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IN THE MATTER OF THE PUBLIC INQUIRIES ACT.

INQUIRY INTO
CERTAIN ALLEGED IRREGULARITIES
IN THE CONDUCT OF
THE MUNICIPAL DISTRICT OF INGA NO 520.

EVIDENCE AND PROCEEDINGS
BEFORE THE HONOURABLE
MR. JUSTICE TWEEDIE
AT STONY PLAIN.
MONDAY AUGUST 10, 1931

VOL. I

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Evidence and Proceedings At Inquiry Before the Honourable Mr. Justice Twee 1,c.1
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IN THE MATTER of The Public Inquiries Act being Chapter 26 of The Revised Statutes of Alberta,1922

and

IN THE MATTER of an inquiry directed to be made into certain alleged irregularities in the conduct of the business and affairs of The Municipal District of Inga No. 520.

Evidence and Proceedings at
Inquiry before The Honourable
Mr. Justice Tweedie at Stony Plain
commencing on Monday August 10, 1931.

VOLUME 1

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IN THE MATTER of The Public Inquiries Act being Chapter 26 of The Revised Statutes of Alberta, 1922

and

IN THE MATTER of an inquiry directed to be made into certain alleged irregularities in the conduct of the business and affairs of The Municipal District of INGA No. 520.

Transcript of shorthand notes taken by [illegible], Supreme Court Reporter of the evidence and proceedings at Inquiry conducted by The Honourable Mr. Justice Tweedie, appointed Commissioner herein, at Stony Plain, commencing at 10:00 a. m. Monday, AUGUST 10th, 1931.

Mr. H. H. Parlee, K.C., Counsel to The Commission.

Mr. G. J. Bryan, Counsel for Fred Kreye, M. McKinley, George Akins and R. Goertz.

Mr. A. F. Duncan, Counsel for E.H. Pidgeon.

MR. PARLEE: I would like first to put in a copy of The Order in Council authorizing the Inquiry.

Copy of Order in Council read and filed as Exhibit 1.

MR. PARLEE: And the next is the Commission appointing Your Lordship, which Commission is dated the 31st of July of this year.

Said Commission filed as Exhibit 2.

THE COMMISSIONER: In regard to Number K. I just wish to state that that deals generally with such other irregularities or improprieties in the conduct of the business or affairs of the said District or any officer or employee thereof relative to his office or employment with the District, which may be alleged or complained of by an elector of the District. Now Mr.Parlee will be here every day this week and during the adjournment hours, from 12:30 to 2:00 o'clock if any person has any complaint to make they can see him and I think they had better submit it to him in writing. Is that agreeable to you, Mr.Parlee?

MR. PARLEE: Yes,sir. That notice just read by The Clerk was published on the 31st of July, 1931, in The Stony Plain Sun. It was also published in The Stony Plain Sun in the edition of August 6th.

Copy of Stony Plain Sun dated July 13th,1931, filed as Exhibit 3.

Copy of Stony Plain Sun dated
August 6th,1931, filed as Exhibit 4.

A notice that an Inquiry would be held was published in the Edmonton Bulletin on the 25th of July, 1931.

Copy of Edmonton Bulletin dated July
25th,1931, filed as Exhibit 5.

A like notice was published in the Edmonton Bulletin of August 1st,1931.

Copy of Edmonton Bulletin dated
August 1st,1931, filed as Exhibit 6.

It was likewise published in the Edmonton Journal of Saturday July 25th,1931.

Copy of Edmonton Journal dated July
25th,1931, filed as Exhibit 7.

And a like notice in the edition of the Edmonton Journal of August 1st.

Copy of Edmonton Journal dated August 1st,
1931, filed as Exhibit 8.

I attended here last week with Mr.Couples and heard a number of the Councillors and all the witnesses. I received a letter from Mr.Bryan under date of August 3rd,1931, and he sends me a letter which I would like to read (Reading).

Said letter marked Exhibit 9.

To which I replied under date of August 4th (Reading).

Copy of letter filed as Exhibit 10.

I would like to reiterate what Your Lordship has said, that it is desired that on this Inquiry every person who has any complaint or grievances respecting the affairs in the transaction of this District shall be heard; that if he has any information which will lead to any irregularity being discovered that I would also like to hear. I would like to feel that at the end of this Inquiry no person has been refused a hearing and that ample opportunity has been given to everyone. I think it should be made plain to every resident of this District that if for any reason he has not been called and he has gone to Mr.Coggles or myself he is at liberty to go to your Lordship, so that at the end no one can be heard to say he was not given ample opportunity and I think that should be made plain to every resident in this District.

THE COMMISSIONER: I agree with what Mr.Parlee says. Everyone has an opportunity to appear at this Inquiry and we will see they are heard but we do not want anybody to say they were shut out or ignored after this Inquiry closes.

MR. PARLEE: In order that Your Lordship shall be able to follow it. There are in this Municipal District six sub-divisions, and I will give you the Councillors in a moment or two. I suggest that Your Lordship keep those six divisions in your mind in order to correlate the evidence; that another subject will be the municipal elections of February 8th,1931, and the White case. It was claimed there was

an irregularity in a sale and there was an action brought by the owner of the property, a man called White, and the District was mulcted in the sum of some $3,000. That will be a subject for inquiry and then there is also the matter of the Secretary Treasurer. I submit a map showing the different districts and on the margin there is set out the names of the Councillors. (Reading).

Map showing divisions of Districts
filed as Exhibit 11.

MR. PARLEE: If for any reason there is any person in this district whose evidence has not been submitted and who has been overlooked he is invited now to come forward. I propose to call the Councillors in their order because they naturally I presume are very largely interested in the affairs and I propose to call Mr. Murdock McKinley.

MR. BRYAN: The investigation is into certain alleged irregularities in the conduct of the district. I asked for information in regard to these irregularities and that was not given to me, and perhaps Mr.Parlee was right in not doing so. But the fact is that there are certain charges the result of gossip which we have heard, as far as we know. The result is that these men are being charged that there are irregularities in the conduct of their work. They are being asked to go into the Box to answer charges of which they have as yet heard nothing. These men are doing a great deal of work. In Mr.McKinley's division in the past eight years he has spent perhaps $50,000 and he is going to be asked questions I presume about $25.00 items, and it seems to me that by putting them

into the Box and forcing them to give evidence of complaints that have not yet been made is very unfair to them and it seems to me it is only fair to have the complainant called and let him give testimony and then we will be able to call any witnesses we may have to call to answer the complaint and then we can have the witnesses go into the Box and give their version of the matters of the complaints. I agree with Mr.Parlee that no one will be closed out from this Inquiry and that anyone can come forward who wishes to.

MR. PARLEE: As far as I am aware I have no charges against Mr. McKinley. If anything unfair arises then Your Lordship will give him his opportunity to be heard. I think my questions to Mr.McKinley will not be unfair and this is the program I have outlined, to call the councillors one at a time. There are no charges against Mr. McKinley; I could not formulate any.

MR. BRYAN: I can see Mr.Parlee's position. If he wishes to call the Councillors in regard to the inner workings of the Council and as to why they spent so much money in a certain district I think that is perfectly proper. But with regard to charging individually that he did irregularly any certain things, that he misappropriated money and gave away certain money to somebody - those charges should certainly be presented to this Court before he is called upon to answer them.

MR. PARLEE: At the present moment I do not propose to ask Mr.McKinley any questions such as Mr.Bryan has mentioned.

THE COMMISSIONER: No charges have been preferred against anybody. Nobody is on trial in connection with any offense. The Government of this Province decided that a judicial inquiry should be made

into the administration of the affairs of this Municipality and I know of no persons who are more capable of giving as definite, accurate and exact information than the Councillors of the District themselves. They must attend here when they are called upon and give their evidence under oath. But I am not going to punish anybody or deal with any offence. All the duty of the Commissioner is to make a report of the findings and then if the officers of the Municipal or the Attorney General's Department think it should be further dealt with, that is a matter for them.

MR. BUYAN: There is another point I think ought perhaps to be brought out here. In going around this District it appears to be pretty well understood that anybody coming in here with a complaint in the first place that if they are a party to any offence they themselves will be protected, and the second one is that they will not be permitted to be cross examined on anything and also that they will only have to make the complaint and in all probability they will never have to be called here to state their side of the case. That is why I am taking this stand. I quite understand that Mr. McKinley may be able to give good evidence with regard to the working of his district generally but for him to be asked questions such as what happened to such and such a man, it seems to me it would be impossible for him to answer and I think these people should be called before the Commission and as I said, the common talk around the streets is that they will be protected and that they will not necessarily have to come here and that they will not be cross examined at all.

THE COMMISSIONER: Every person whom it is necessary to call before this Commission shall answer all questions there put to them by counsel for the Commission or by counsel who is acting for any

individual councillor or other person who might be affected. We do not propose this will be a one-sided inquiry and any person who is called will be afforded an opportunity to offer evidence on their own behalf and as far as the records are concerned I appreciate that neither Mr.McKinley or any other councillor will be able to offer evidence offhand but I feel confident that any councillor if he has done his duty will have no difficulty in going back to the records and giving a full account of the transactions and every opportunity will be given for an examination of the records.

MR. PARLEE: I am not here as a prosecutor or persecutor. I hope to conduct the inquiry fairly and if I do not then I am failing in my duty.

MURDOCK McKINLEY,

called and sworn, testified as follows:

Examined by Mr. Parlee:

Q You are a councillor for the Municipal District of Inga, Number 520?

A Yes.

Q For what Division?

A Division 1.

Q And you have been a councillor for what period?

A Since 1943.

Q Continuously?

A Yes.

Q That is you were elected in the Spring or Winter of 1923?

A Yes.

Q Have you been Reeve in that period?

A Yes.

Q What period were you Reeve?

A 1927 and 1928 I think.

Q You know of this Inquiry?

A Yes.

Q And you have read the subject matter of the Inquiry in the Stony Plain Sun?

A Yes.

Q And you were also here with me on the 5th instant when we went over the subject matter of this inquiry?

A Yes.

Q Now I propose to read to you the various subjects of the inquiry and will ask you if you have anything to say with respect to them. (Reading paragraph "A" of Exhibit 1). Do you know of any such monies?

A Well I suppose there was money given that was not earned.

Q But of your own knowledge do you know of any monies that were paid to ratepayers and others in the years 1923 to 1931 inclusive for road work which monies were not earned? Do you know of any such monies?

A I did not last winter.

Q I am asking your personal knowledge of it?

A No I do not know of any.

Q Do you know of any?

A Well -

Q You have had ample time to consider the question. I asked you

when you were here to be frank with me and I ask you that today. Do you know of any monies that were not earned and were paid between the years in question?

THE COMMISSIONER: Are you a councillor?

A Yes.

Q Do you investigate the expenditures of road monies in the Council?

A Yes.

Q Have you investigated any of these expenditures?

A Well yes to the best of my knowledge and belief I have.

Q But have you investigated the expenditures?

A Yes.

Q Tell us what you found out?

A As far as I could see every Fall when the pay sheets and everything came in I thought the money was spent according to Hoyle and I had never heard of anything till this trouble came up.

Q MR. PARLEE: Do you at the present know of any monies that were not earned for Municipal work and were paid and thus improperly paid to ratepayers or others? Do you know of any today?

A Well in the case of Chester Kimberley he says he did not do the work.

Q And what do you know about the Chester Kimberley matter?

A Well Mrs.Pidgeon told me -

Q Mrs.Pidgeon is the wife of the Secretary Treasurer Mr.A.H.Pidgeon?

A Yes.

Q And it is common knowledge that Mrs.E.H.Pidgeon has done the greater part of the work?

A Yes.

Q And what did she tell you about the Chester Kimberley affair?

A She said that he got two cheques for the one work and he should not have got it and she was kind of troubled about it and I told her I would give him a chance to do some more work. A few days after Mr.Kimberley called at my place and I told him to go ahead and do the work and when he got through with the work to come and fix up a time sheet for the same work. Shortly afterwards Mr.Kimberley calls, gives his time, acknowledges the work and signs the time sheet.

Q And does that pay the amount in full?

A Yes to the best of my knowledge.

Q Did you see the time sheet yourself?

A Yes.

Q It was shown to you?

A Yes.

Q This is in Division Number 1 - your own Division?

A Yes.

Q I am producing to you what is alleged to be the time sheet for your Division, Division Number 1 of 1929?

A Yes.

Q And is 1Q the time sheet to which you refer that Mr.Kimberley was overpaid on?

A Well -

Q Was he a foreman there?

A Yes he was foreman looking after that part. No, I do not think that is the one.

Q Is that the one to which exception is taken?

A No.

Q And what about this one, that is July 1929. I am showing you the time sheets for the Division, of July 1929, 1Q, and you say that is not the one that he was paid twice on?

A Well he got two cheques. Mrs.Pidgeon made a mistake and sent in two cheques on one time sheet.

Q I am instructed by Mrs.Pidgeon that this is the sheet to which you refer and that in addition to the cheque for Number 345 he obtained a clear cheque,number 346 for a like amount of $36.00. Now if you do not know do not guess and you will be called again to explain it if you wish. Did you see this time sheet?

A No I could not say that I did.

Time sheets for District number 1 filed as Exhibit 12.

Q Did you ever see 1Q before?

A Well I must have had to pass it in the Council because those are my initials.

Q Why did you initial it?

A Well he signed it here he earned the money. I went over that.

Q And do you remember this sum of money $36.00 being paid to him twice.

A Just from what Mrs.Pidgeon told me she made a mistake and paid it.

Q And did she ask for it back?

A Well I told Mrs.Pidgeon I would give him a chance on road work.

Q And did you give him that chance?

A Yes.

Q And did he earn it?

A Well he signed the sheet that he earned it.

Q This is the sheet 1R in Exhibit 12. Is this the voucher showing he earned the money?

A Yes.

Q Did you see the sheet?

A Yes.

Q Did you authorize the work?

A Yes I authorized it.

Q Did you approve of the payment of $36.00?

A Well if they passed it at the Council -

Q What I want you to make clear is was the work claimed to be done in sheet 1R actually done?

A I did not inspect the work. I just took his word for it.

Q Have you anything further to say about Kimberley?

A No I don't think it.

Q Do you believe that he earned it?

A I believe that he earned it at the time.

Q And have you found out differently?

A I heard differently.

Q Have you investigated to find out if the work ever was done under 1R? Do you know today whether the work was or was not done?

A No I do not know.

Q When did you first hear that Kimberley did not do this work?

A Shortly after the election last winter.

Q That is shortly after February 28th?

A Yes.

Q And have you had any investigation to find out whether he did the work or not?

A Well the time sheets were all in Edmonton.

Q Did you go and see Kimberley about it?

A Well I could not tell after two years.

Q Did you put on foot any inquiry whatsoever?

A (No answer).

Q Mr.Howatt, one of the councillors was requested by the Honourable Mr.McPherson to be in Edmonton at 12:00 o'clock in connection with relief work and he says he can be back here at half past two and I thought I would ask your Lordship's view in the matter.

THE COMMISSIONER: Oh yes if he will be back here at half past two.

MR. PARLEE: Well barring accident he will be back here.

Q Did you cause any investigation to be made as to whether Kimberley did the work or not?

A No I do not seem to have any time to look around.

Q But did you report to council what you had heard?

A Yes.

Q When did you report to Council?

A I could not say when I reported to the Council.

Q That same year?

A This year.

Q And did Council take any steps to collect the amount or investigate?

A They thought when the time sheets would come back they would look it over.

Q Did you ever ask Kimberley for the money?

A No I never asked him for the money.

THE COMMISSIONER: What time in 1931 did you report to Council?

A Well I could not say offhand, but just as soon as I heard it.

Q Do you keep minutes of your council meetings?

A We do not put that in the minutes.

Q You keep minutes but you did not put that in the minutes?

A No.

Q And were the time sheets in Edmonton when you reported it?

A Yes.

MR. PEMBLE: You know you were interviewed by Mr.Coggles here?

A Yes.

Q Did you report to council before or after your interview with him?

A Well I may have reported it before. I could not say.

Q Do you remember?

A No I don't remember.

Q Anyway Mr.Coggles took the matter up with you?

A Yes.

Q Have you anything further to say in regard to the Kimberley matter?

A No.

Q You have told us all you have in your mind?

A Yes just now.

Q Well I am pressing you, Mr.McKinley for this reason. No doubt something will be said about this and I want you to have every opportunity to make any explanation you may have. Have you anything further to add?

A Well he seemed to be quite satisfied with having a chance to do the work.

Q What I am asking you is apparently he is overpaid $36.00?

A Yes.

Q Any conversation or any explanation you have, let us have it.

A Well he came to my place before I saw Mr.Coogles and he asked me why I was making trouble for him and I told him I was not making trouble for him and he said he never put in any charges.

Q That is any complaint?

A Yes.

Q Well why should he complain?

A Well I guess he wanted to get me off the Council.

Q You have nothing further to say by way of explanation?

A No.

THE COMMISSIONER: Now as a Councillor in Division Number 1 what are your duties in regard to road work?

A To supervise the road and lay out the work and find foremen to do the work and you have to take their word.

Q And you hire the men?

A I give the foreman the names of the men that want to work and he supervises the work and sends in the time sheet.

Q And who fixes the rate of pay?

A The Council.

Q And who pays - Council for the whole Municipality?

A Yes.

Q It is not charged against the ratepayers of that Division?

A Well sometimes they get pay for their work and sometimes tax receipts.

Q What do you do before you recommend to the Secretary Treasurer that Kimmerley or anybody else be paid for having done so much road work - how do you satisfy yourself that they have done it?

A Well for these little amounts you would be all year running over it and I just take the foreman's word for the little jobs. I am only allowed fourteen days to do it.

Q Does the foreman give you the time sheet certifying that these people have worked the actual time on the road?

A Yes.

Q And was that done in Kimmerley's case?

A Yes.

Q Now just let me see the time sheet certified by the foreman to you.

(Produced).

Q After it is certified by the foreman you certify it by initiallin.

A Yes when it is brought up before the Council. The Reeve signs it. We made a habit in the council of every councillor signing so they will know - the secretary treasurer.

Q And when you knew this man got $36.00 twice for the one job did you ask him to pay you back?

A Well I guess Mrs.Pidgeon would ask him.

Q Well did you?

A He said he was hard up and he could not pay it.

Q Did you ask him about it?

A Well he said he could not pay it.

Q Did you ask him to return the Municipality $36.00 that he had no business to take?

A I can't say that I did, no.

Q Why didn't you?

A He asked for a chance to do the road work.

Q And did you get a certificate the second time from your foreman that shows on Exhibit 12, 1R?

A Well Kimmerley is the foreman himself.

Q And he gave you his own certificate that he had done the work?

A Yes.

Q And what is your habit with regard to checking over foremen's statements or accounts?

A Well we have to take their word for it.

Q And you say you are allowed fifteen days. What is that for?

A During the whole year for inspection.

Q And you are paid for that?

A Yes.

Q How much are you paid?

A Four dollars a day.

Q Would it be reasonable for you to go around and inspect every men's work and keep a check on it yourself personally in fifteen days?

A No.

Q It would be impossible?

A Yes.

Q So in the last analysis you have to rely on the statement of the foreman you have?

A Yes.

Q Who selected Kimberley as foreman?

A I did.

Q Did you suspect his honesty?

A I thought he was all right.

Q And is a resident ratepayer?

A Yes.

Q And is he a farmer out there?

A Yes.

Q And you relied wholly on his statement that he had actually done that work?

A Yes.

Q How many days would it be for $36.00?

A Well $8.50 for ten hours.

Q And did you honestly believe when you gave him an opportunity to work it out that he had actually put in the $36.00 worth of work?

A Yes, sir.

Q You relied wholly on his statement?

A Yes.

Q And it would be impractical for you to go over all these little jobs and check it up?

A I could not do it.

MR. PARLEE: You will notice you have not intialled 1R and yet it has been paid by cheque number 346?

A Yes.

Q Can you explain why that came to be paid?

A No I could not explain it.

Q And you have not investigated it?

A No.

Q He got paid $36.00 in three separate cheques according to that?

MR. BRYAN: No. I do not think that, not three cheques.

MR. PARLEE: My understanding is that he does the extra work in order to clear it up and he gets paid for it?

MR. BRYAN: No, sir. That was not Mr.McKinley's story.

MR. PARLEE: He is paid for it twice.

MR. BRYAN: Mr.McKinley's story is he got paid twice and he could not pay it back and he asked to be allowed to work it out and then he came back and made out another time sheet. But he never

A got another cheque.

Q Who makes up that time sheet 1R. Whose writing is this in?

A He came to my place and gave me his time and I took it down.

Q This is in your handwriting, the body of it?

A Yes.

Q Kimmerley gives it to you and you put it down?

A Yes.

Q And whose writing is this (produced)?

A He told me where he did the work.

Q And this on the back of 1R is your writing?

A Yes.

MR. BRYAN: The cheque number is the same and that will clear it up.

MR. PARLEE: We can have the secretary explain it.

THE COMMISSIONER: The first day two cheques were given, the 345 and 346 and on sheet 1R the cheque charged against that item is number 346.

MR. BRYAN: The first time instead of a $36.00 cheque he was given a receipt for his taxes amounting to $19.05 and the balance in a cheque, and when Mrs.Pidgeon went through it later she did not notice it and issued a cheque for $36.00 and it is on both sheets

MR. PARLEE: Well Mrs.Pidgeon will be in the box.

Q Now have you any knowledge of any other monies paid to ratepayers improperly, monies that were not earned? Or is that your full information - in this whole district?

A Well there is that thing about Mr.McDonald that Mr.Coggles brought to my attention.

Q What is that?

A Well in 1929 I gave him the job of taking the ferry apart and I told him not to tear the lumber up and put the irons to one side.

that they belonged to the Government and after he took the ferry apart I went down and fixed up a time sheet in his own house and signed it with some other work in connection with it.

Q What McDonald is that?

A Mr.Herman J.McDonald.

Q These are the time sheets for 1929 in Exhibit 12. I am showing you Mr. Is this the time sheet to which you refer?

A There is the work there (indicating) and here "two men seventy cents an hour."

Q Whose handwriting is that?

A That is mine.

Q You made it up from the information you got from him?

A Yes.

Q And did Mr.McDonald sign this on the line in your presence?

A Yes.

Q And was the next line signed by T.R.Scott in it when Mr.McDonald signed as foreman? Was this on the sheet? This last line - in whose writing is that?

A In my handwriting.

Q Was that there when Mr.McDonald signed?

A I have no knowledge.

Q You mean you have no recollection?

A No.

Q Because you must have knowledge?

A Well the district is a long way from the house.

Q Did Mr.McDonald have anything to do with Mr.Scott's work?

A No.

Q Then the inference must be that when he signed this as foreman the last line was not on this sheet?

A I could not swear.

Q Do you remember putting the last line on the sheet?

A I have no recollection.

Q Do you recollect when it was done - what month?

A Well I could not say. It says there June. But Mr.Scott done this work.

Q I am not quite concerned with that at the present time. Mr.M.J. McDonald is the same person who did the first portion of the work?

A Yes.

Q And he signed as foreman?

A Yes.

Q And by way of receipt?

A Yes.

Q Well Mr.Scott, was that line in there when Mr.McDonald signed as foreman?

A I don't know.

Q Is it all in your handwriting?

A All this is in my handwriting.

Q But that 1275?

A Well all this is mine.

Q Up to and including the column marked total amount due, is in your handwriting?

A Yes,and I signed it here (indicating).

Q And you signed it at the top?

A Yes.

Q What have you to say about Mr.McDonald's account?

A Just what Mr.Coggles said, that Mr.McDonald got money that he did not earn.

Q Mr.McDonald received money that he did not earn? Well did Mr. Scott work on the ferry?

A No.

Q Have you anything further to say by way of explanation regarding this one of Mr.McDonald's, that is 1R. What did Mr.Scott do?

A I believe he dragged the road.

Q And did you inquire to see whether he did it or not or did you take his word for it?

A I took his word for it.

Q Who is Mr.Scott?

A He is a farmer who lives at Holborn.

Q And you took his word for it?

A Yes.

Q How did he happen to come to your place?

A I believe I told him to drag the road, and he dragged it.

Q Why did you put it on Mr.McDonald's sheet?

A Well sometimes we run pretty short of those sheets.

Q Is that the reason you put it on that sheet?

A Yes. If I had lots of sheets I would not have done it.

Q Again I ask you do you recollect of adding that line regarding Scott "1R" after Mr.H.J.McDonald signed it as foreman?

A I could not say that.

Q After you saw Scott did you see Mr.McDonald?

A I could not say that. I just do not know how it was put down.

Q Mr.McDonald had nothing to do with Mr.Scott's work?

A No.

Q And he could not certify that Mr.Scott had done the work could he?

A No.

Q So that in that case no foreman certified that the work was done?

A No, until I certified it myself.

Q And did you make any investigation to see whether it was done?

A Yes it was done.

Q Did you see that it was done?

A Yes.

Q And what was it?

A Dragging the road.

Q THE COMMISSIONER: If Mr.McDonald will swear that that entry in regard to Scott was not on that time sheet when he certified to it what would you say to that. Would you contradict McDonald and say that he was wrong?

A No,sir, I could not.

Q You would accept his word?

A Yes.

MR. PARLEE: Anything further to add about that sheet "1R" exhibit 12?

A No.

Q Have you anything further to say about Clause "A" (reading). Do you know of any other monies?

A No I do not know of any only just a rumor that Mr.Williams got some.

Q Who is Mr.Williams?

A A farmer that lives at Holborn.

Q Is he in your district?

A Yes.

Q What are his initials?

A W.C.

Q When did you hear of Mr.Williams receiving money that he did not earn?

A Since February.

Q And when is it supposed he received the money?

A I do not know anything about it.

Q So what is the rumor that you heard?

A That he just got $10.00. That is all I heard.

Q Have you investigated it at all?

A No. I could not investigate it.

Q Anyway you did not?

A No.

Q Is there any way you know of of verifying that?

A No.

Q So have you any further information regarding the Clause "A" monies paid to ratepayers and others in the years 1923 to 1931 and for work which were not in fact earned?

A Well I heard about Mr.Reed.

Q Who is Mr.Reed?

A He is a farmer at Holborn too.

Q In your Division?

A Yes.

Q And what are his initials?

A William Reed.

Q What did you hear of him?

A I heard something about cutting brush that he did not do. To the best of my knowledge and belief he was cutting brush, so I got no inkling of the thing at all.

Q When did you hear this?

A About three weeks ago.

Q That he received payment for brushing he did not do?

A Yes.

Q Did you investigate it?

A No.

Q What is the amount of money?

A I do not know.

Q And how did you hear it?

A Well from the neighbors.

Q Is Mr.Reed here?

A No, I do not see him.

Q Have you any further information to add to that?

A I would like to see the time sheet.

Q Well you had better look it up later on. Have you any other knowledge of monies not earned either in your Division or in any other part of the District?

A No.

Q I understand that you have therefore given us all the information you have of any monies claimed to be paid and not earned, have you?

A Yes.

THE COMMISSIONER: Did you instruct Williams to work for you in your office?

A No.

Q Did you hire him?

A No.

Q Did you employ Reed to cut brush for you?

A I might have I could not say.

Q Have you any recollection?

A No.

Q I understand you to say that you hired or asked the ratepayers to do this road work and brush cutting and things like that?

A Well I had Mr.Phalen the foreman there and probably he gave him a job of cutting brush because I told him he was an old man and

and to give him any job he could do. He was an old man eighty years old and it was hard for him to pay his taxes.

Q Would you consider brush cutting for a man eighty years old an easy job?

A Well he was his own boss and he would not work very hard.

Q How many miles have you in District Number 1 ?

A Well there is a whole township, Township 51 and part of 52, and that would be about twelve miles one way and six the other.

Q And how many miles of highway have you to supervise?

A Approximately eighty miles.

Q And you live in the centre of your District?

A No - pretty well on the north end.

Q And I suppose it would keep you driving pretty hard to cover that all the time and inspect every man's work?

A Yes. We have to take the foreman's word for all the little jobs and inspect the big jobs.

Q And do you get information from the foreman in the form of Statutory Declaration or Affidavit?

A There is a declaration, he just certifies.

Q He just certifies that the work has been done?

A Yes.

Q There is no declaration or oath within the meaning of the law?

A No, a man gives his word of honor.

Q And do you get evidence from the workmen that he has put in that time actually?

A The foreman certifies.

Q The only evidence you have is just the certificate of the foreman that the people mentioned on this sheet have worked at the work

indicated and for the length of time and entitled to the pay indicated on that sheet?

A Yes.

Q MR. PARLEE: I am reading you clause "B" (Reading Clause "B" of Exhibit 1). Do you know of any such work being done on private property and which was paid for by the District?

A Well only just a rumor the same as the other.

Q I am referring to the whole district. What do you know about it?

A I have just heard there was some work done outside the road allowance.

Q In whose division?

A Number 6, Mr.Goertz.

Q On whose property?

A Well Mr.Goertz took me to a lot on the beach and showed me some dirt he was supposed to put on a man's lot to save it from flooding.

Q I understand you to say this, that the Municipality had built a road which caused a lot to be flooded?

A Yes.

Q And some dirt was put there by the Municipality to offset that?

A Yes, very little dirt.

Q Who was the man who owned this lot, do you know?

A To the best of my knowledge Mr.Murphy.

Q Did you investigate this at all to find out if there was any truth in it?

A No.

Q Who told you this?

A Mr. Goertz. He took me down and explained it to me.

Q Did you investigate it?

A No.

Q And you did not therefore investigate it?

A No, sir.

Q THE COMMISSIONER: What lake is that?

A Edmonton Beach.

Q MR. PARLEE: Have you knowledge of any other matters?

A Well Mr. Fred Kreyes, Division number 2. There are a lot of big trees on the road and they cut all around the trees ready to be pulled down and they went to a neighbor to get his team to pull the trees down and he would not give him the horses. He said he was afraid the horses would be hit by the trees and it would kill them and he would go himself, and while he was working with his own horses they exchanged the work with him.

Q Who was the foreman?

A Walter Graydon.

Q And what did they ask him?

A They wanted his team and he said he would not give his team to anybody to pull trees down but he would do it himself.

Q And while he was doing this work with his own team they went and did some work for him?

A Yes.

Q When was that?

A 1930 I think.

Q And who was the foreman on that job?

A Mr. Walter Graydon and to the best of my knowledge and belief. I think he was looking after the work.

Q How could Mr. Walter Graydon go and see himself. He was the foreman on the job?

A To the best of my knowledge and belief.

Q Did you investigate it?

A No.

Q You are giving the rumor as you heard it?

A Yes.

Q You do not know anything about it. Do you know anything further about it?

A No only I heard that they went to these fellows and took their statements.

Q And who were the men whose statements they took?

A I could not tell you their names. They are foreigners.

Q Have you anything further to say about clause "B"?

A Well that is all I heard about the time sheet being signed over a bottle of whiskey. That is all.

Q Well what do you know about a time sheet signed over a bottle of whiskey?

A Well just a rumor that they were doing some work on the road and they put the price of a bottle of whiskey on the time sheet.

Q Whose district was that?

A Number 6.

Q Who is the councillor?

A Mr.Goertz.

Q And what was the amount involved?

A Well I don't know.

Q Did you ever hear the amount?

A No.

Q Well did it go on the time sheet?

A Yes.

Q And this is a mere rumor to you?

A Yes.

Q Anything else?

A Well I can't think of anything else.

Q I will read it to you again and see if you have anything further to add (Reading).

A I can't think of anything.

Q (Reading paragraph "C" of Exhibit 1.) Do you know of any fictitious time sheets being made up or alterations or additions or any irregularities in respect to time sheets during those years?

A Yes, there is one there Mr.Coggles showed me.

Q I am showing you the time sheets in your Division, 1930 "1". Is that the time sheet to which you refer?

A Yes, sir.

Time sheet, 1930, filed as Exhibit 13.

Q This is initialled by M.McKinley. That is you?

A Yes.

Q And is this the one in which you say there are some alterations made in it?

A Yes.

Q The work is done in your Division there?

A Yes.

Q And that foreman is appointed by you as foreman?

A Yes.

Q Well wherein -

A Well that is Mr.Kyle. He left and he was not around and Mr.Aronson told me to put the names down on his time sheet. It was in the office and I fixed these two names -

Q What names?

A John Heitzman and John Kyle.

Q That is Melchor Aronson?

A Yes.

Q And he spoke to you about this time sheet?

A Yes.

Q What did he say?

A He said to get the names down and to get it through.

Q You said this was in the office. Where did you first see the time sheet. In your house or in the office?

A Well I don't know.

Q Do you recollect where you first saw this time sheet 1Q?

A No,sir, I could not say.

Q Did Melchor Aronson bring it to you?

A He generally hands it.

Q I am asking you if Aronson brings this sheet to you?

A To the best of my knowledge and belief I believe he did.

Q So that the inference must be that you first saw it at your own home?

A Well I could not say but to the best of my knowledge I just do not know.

Q What was the condition of the sheet when you first saw it - this first line. Was that there when you first saw it?

A Yes,sir.

Q Was Anderson, the next line. Was that all there when you got it?

A Yes.

Q And John Leshman, Was that there, and the particulars, was that there when you first saw it?

A Yes.

Q John Heitzman,was that there when you first got it?

A No.

Q So when the sheet first came to you it was complete down to the end of the first three names, John Leshman?

A Yes.

Q It was brought to you down to the end of John Leshman?

A Yes.

Q And what did Melchor Aronson tell you?

A He put this John Leshman down.

Q In your presence?

A No,sir. And these two men earned the money with this man here whose name is there. John Leshman is a mistake and should not be there. And those two men who earned the money I put them down in lieu of this name.

Q Aronson comes to you and says: There is no such man as Leshman?"

A Well he meant it for Heitzman.

Q John Leshman was not put down as a matter of fraud?

A Oh no,no.

Q It was just in error?

A Yes.

Q And this John Heitzman you wrote in yourself?

A Yes.

Q And you put down one man four hours and carry it out here, don't you?

A Yes.

Q And did you sign the name John Heitzman at the end?

A Yes.

Q So that the whole line to John Heitzman was made by yourself?

A Yes.

Q And that information you obtained from Aronson?

A Yes.

Q And what right had you to sign John Heitzman's name?

A Mr. Aronson told me to put it down.

Q Did John Heitzman tell you to put it there?

A Well it was a man who worked for me. He was a foreman.

Q Did you speak to him about it?

A Yes.

Q Before or after you signed it?

A I told him the time sheet was in the office.

Q Was this line here written by you in your house or in the office?

A I believe to the best of my knowledge I signed it in the office.

Q Was the other part of it done at your home or in the office?

A This part here might have been done at home.

Q Up to the signature of the receipt it might have been done at your home?

A Yes.

Q Aronson told you to fill in the details?

A Yes he made a mistake.

Q And did he tell you to sign the signature too?

A I could not say.

Q Who told you to put the name John Heitzman?

A Well I don't know. I put it there myself.

Q And who got the money?

A Heitzman.

Q Did you get any part of it?

A No,sir.

Q The amount paid is $27.20. Who got it?

A Mr.Heitzman.

Q Do you know he got it?

A Yes,sir.

Q. A cheque was given to him?

A. I would have to look up the books. Probably Mrs.McKinley gave him the money and she got a receipt for it. I just could not say

Q. What is your information about it?

A. Well I just do not know.

THE COMMISSIONER: Well you signed John Heitzman's receipt there?

A. Yes.

Q. Did you get a cheque made payable to John Heitzman?

A. If there was any cheque he got it himself.

Q. Well what are you suggesting about Mrs.McKinnly giving him some money?

A. Well I think he got this himself but there was a later time sheet which was receipted.

MR. BRYAN: What do you mean by receipted?

A. There was a receipt given instead of a cheque, for taxes.

MR. PARLEE: Did you say applied on your wife's taxes?

A. Yes.

Q. You intimated a moment ago that the cheque went to John Heitzman.

MR. BRYAN: Well he was talking about another sheet.

A. If you will look up the cheques.

Q. But I am asking if you have any knowledge and information about it?

A. Well to the best of my knowledge and belief -

Q. To the best of your knowledge John Heitzman gets the cheque?

A. Yes.

Q. He is the man who did the work?

A. Yes.

Q. At the time he did this work was he working for you or Mrs.McKinley?

A. He was working for her.

Q It is a custom here in this district for the hired employee of a farmer to go and do the work on the road?

A Yes.

Q And the employer receives the payment?

A Yes.

Q That is the farmer himself cannot always go and the work is done by the hired man?

A Yes.

Q Am I right in saying that?

A Yes.

Q And the farmer himself receives the money?

A Yes.

Q And it may be applied on the farmer's taxes?

A Yes.

Q Whether it is proper or improper it makes no material difference here now, but the fact is it is a well recognized custom?

A Yes.

Q And do you know if John Heitzman gets the money?

A To the best of my knowledge and belief I believe he got a cheque.

Q And do you know what became of the cheque?

A He got it himself.

Q And who gets the money for that cheque?

A Well the rate of wages I was paying him, we charge a dollar a day for his board and he had been working on Mrs.McKinley's farm.

Q Did that $27.20 go to Mrs.McKinley eventually?

A Yes.

THE COMMISSIONER: Why did it go to her?

A She has a half interest in everything and she owns the horses that worked on the road.

Q Well did $27.20 cover the horses too?

A Well one man with four horses, yes, sir.

Q And how much of that did he give Mrs.McKinley?

A Well -

Q This man was working for how much a day?

A $8.50, one man and four horses.

Q And you were charging a dollar a day for his board?

A Yes.

Q And what for your horses?

A Well Mrs.McKinley owns the horses.

Q What did she charge him, do you know?

A I do not know.

Q MR.PARLEE: Isn't this the way it is done. He takes the horses and he earns the money and you pay him and he pays you all the monies earned on the road?

A All the money that the horses earn.

Q THE COMMISSIONER: Was he in your pay as a farm hand?

A Yes.

Q How much were you paying him a month?

A I was paying him $55 in the summer and $10 in the winter per month.

Q And when he did this road work what were you paying him?

A I was paying him just the same.

Q When was this road work done?

A It was done in June.

Q I suppose what we are trying to find out is whether or not you used your hired man and paid him a hired man's wages and then put him on the Municipality and got all the pay. Is that what you did?

A Yes. This was Government grant.

Q My question is this, you have a hired man, you put him on the road to work for the Municipality

A Yes.

Q And you drawed all the pay from the Municipality and that just pays the hired man's wages?

A Yes.

Q So you keep all the money and he gets his wages as your hired man?

A Yes.

Q And the same is true in regard to Mrs.McKinley?

A Yes.

MR. PARLEE: That is true throughout the District. It is the custom here?

A Yes.

Q And who told you about John Kyle?

A Well he worked on the road.

Q Did Aronson tell you about it?

A Yes.

Q And whose writing is this?

A That is my writing.

Q Are you quite satisfied that is your own handwriting?

A Yes to the best of my knowledge and belief.

Q Have you looked at it with your glasses?

A Yes.

Q All this line, one man?

A Yes.

Q And the time, including the total amount, have you?

A Yes.

Q Now who signs the receipt?

A I sign the receipt.

Q Is that your handwriting?

A Yes.

Q And the John Kyle here is your handwriting?

A Yes,sir.

Q How did you happen to sign that receipt?

A Well this is to show the cheque or receipt.

Q Who is John Kyle?

A He is a neighbor's boy who lived ten or twelve miles away.

Q How old is he?

A About nineteen or twenty. And he was not around when I put his name in and he wanted his money and I sent him the cheque.

Q And did he authorize you to sign his name?

A No I could not say that.

Q And did he get the cheque?

A Yes.

Q And have you anything further to say about it?

A No.

Q Melchar Aronson, foreman. Whose signature is that. Whose writing is that?

A I do not know. He gave me a slip with 167 hours.

Q And who writes Melchar Aronson, foreman?

A I don't know.

Q Whose handwriting is that, in your belief?

A Well I don't know, but this is mine here "167."

Q And Melchar Aronson?

A He gave me a slip of paper with the money on it.

Q Is not that Mrs.Pidgeon's?

A It might be.

Q Doesn't it look like it?

A It does a little.

Q Whose writing is this on the back of this particular sheet "1Q"?

A That is my writing. That is the location of the work.

Q MR. BRYAN: These two Heitzman and Kyle were put in to offset this one?

A Yes $57.80.

Q And in place of that these two were to [illegible]

A Well you can add them up.

Q MR. PARLEE: This John Heitzman and John Kyle is put in to take the place of John Leshman?

A Yes.

Q THE COMMISSIONER: In substance, you had a foreman who worked under you who looked after two men and thought it was one man working?

A MR. BRYAN: I think you will find out when you check up the amounts.

MR. PARLEE: Is that your explaination, that Heitzman and Kyle did the work put in here for Leshman?

A Yes. Mr.Aronson made a mistake.

Q And in place of one man it comes to Heitzman and Kyle?

A Yes.

Q MR. BRYAN: Is not it often the practice that one man's name may appear here and he will often supply himself and one hired man and perhaps two teams?

A Yes.

Q MR. PARLEE: Is work sometimes done by one, two or three men and often times put under one man?

A Yes.

Q That is customary?

A Yes.

Q Have you anything else to add to the compilation of fictitious time sheets or the alterations or additions to time sheets?

A I do not know, but Mr.Coggles brought my attention to the time sheet of Mr.K.H.Barron.

Q I am producing to you Exhibit 12 being the time sheets in your Division. And I am showing you "1X". Is that the one to which you refer?

A Yes.

Q That is in Division 1?

A Yes.

Q Is that your signature at the top?

A Yes.

Q What have you to say about this?

A Well I inspected all this work.

Q Was Barron the foreman?

A He was the foreman in certain parts of the work. He was the foreman for Mr.Stephens and his own work.

Q For the last line Stephens?

A Yes.

Q And for his own work?

A Yes.

Q Who intialled K.H.Barron?

A I did.

Q When did you do that initialling?

Mr. PARKER: In work connected [illegible] by you, was or [illegible] and often times you under [illegible]

Yes.

That is customary?

Yes.

Have you anything else to add as the one limitation of restrictions time sheets or the alterations or additions to time sheets? do not

I know, but I respectfully request my attention be [illegible] of Mr. K.H. Barton.

I am proceeding to you while in being the time sheets in our Division. And I [illegible] showing you "1" [illegible] time [illegible] you refer.

A Yes.

Q That is in Division 1

[illegible]

Q Is that your signature on [illegible] top?

A Yes.

Q What have you to say about it?

A Well I inspected all this work.

Q Was Barton the foreman?

A He was the foreman in certain parts of the work. He was the foreman for Mr. Stephens and his own work.

Q For the last time Stephens?

[illegible]

Q [illegible]

Anti-Alod K.H. Barton?

[illegible]

[illegible] Anti-Alod?

A At the same time I wrote K.H.Barron.

Q And what is this line out here?

A Well I guess that is when I inspected the road. I took the responsibility.

Q In any event you signed K.H.Barron and you intialled it all at one time?

A Yes.

Q Now what have you to say about this sheet?

A Well the work was done.

Q Did you inspect it?

A Yes, sir. I inspect this work. And I was short of time sheets. This was done in the office, Levi Stephens. And this man.

Q You told me a moment ago you put in K.H.Barron.

Q No, Barron was foreman for himself and this man.

Q It was you who put the first man?

A Yes, any man's name I put down I had a slip of paper at home with his name on it.

Q Who put Levi Stephens there?

A That I could not say.

Q And this other Stephens?

A I think they must have put their own names in the office.

Q Were both these Stephens on when you signed K.H.Barron?

A I could not say.

Q Did you sign his name there when the sheet is as it is now or had there been something added to it after you signed?

A Well it is so long I could not think of it now, two years.

Q The sheet does not call anything to your attention?

A No but I inspected all the work.

Q And did these people receive their money?

A Yes they say they did.

A. At the same time I wrote W.J.Harrison,

What is this line out here.

I guess that is when [illegible] got to B. I took the responsibility.

By every you mean W.J.Harrison [illegible] in building it all time?

You do not [illegible] I [illegible]

Took was done

[illegible]

W. I [illegible]

[illegible] Levi Stegman.

[illegible]

was foreman for Nicolif [illegible]

[illegible] the [illegible] time [illegible]

Man's name I put down I [illegible] a slip of [illegible] [illegible]

Levi Stegman there?

I could not say.

other stephen?

They must have got their own [illegible] in [illegible].

[illegible] stop on when you [illegible] W.J.Harrison)

not say.

sign his name [illegible] where in as if in [illegible]

[illegible] added to it where you [illegible]

Q You have nothing further to add to this sheet "one small x"?

A No.

Q Who writes this in the back of the sheet?

A I wrote that. That is where one Stephens and Barron worked.

Q What is this work here?

A Fresno work.

Q That is the work that was done by Barron?

A Yes.

Q And which are the Stephens?

A Stephens - there.

Q You have no further explanation to make?

A No.

Q Have you anything further to say in regard to any fictitious time sheets or alterations in sheets?

A I can't remember of anything.

Q You have considered this matter during the last few days?

A Yes.

Q And you have no further information to give?

A No.

Q I will go on to D (Reading clause "D" of Exhibit 1). Do you know of any such monies

A No.

Q You have read the clause over?

A Well not very much. Well there was something in division 6 where there was supposed to be some culvert timber divided between the district and the ratepayers.

Q What do you know about that?

A That is just what I heard.

Q And what did you hear?

A That some culvert timber that was divided between the district and the ratepayers.

Q Improperly? The rumor you heard is that it was improper?

A Yes.

Q Have you any other information in connection with it?

A No.

Q And when was this supposed to be done?

A I don't know.

Q And when did you first obtain this information?

A This summer.

Q Have you given us all you know about that?

A Yes, sir.

Q Do you know about anything else?

A I do not think I can think of anything.

Q Now E. (Reading Clause "E" of Exhibit 1).

A I do not know of any.

Q Now right here. I would like to ask you did you ever offer any Councillor any money or either bribe if he would vote or use his influence at the Council?

A No, sir.

That is a general question, isn't it?

A Yes.

Q Did you ever offer Mr. Rinehert Goertz or suggest he might receive $200 if he voted for the purchase of certain machinery?

A No, sir.

Q Any truth in that whatsoever?

A No. Mr. Coggles brought it to my attention but I put it down as a joke.

Q Is there any truth in it whatsoever?

A No, sir.

Q None at all?

A No, sir.

Q And we can say that so far as he is concerned the existence of bribery and corruption, you say you have no information or knowledge?

A No, sir.

Q Do you know of any attempt having been made to corrupt or bribe a councillor?

A No, sir.

Q Did you ever attempt to corrupt or bribe a councillor?

A No.

Q And so there will be no misunderstanding, did you at any time attempt to corrupt or bribe Mr. Goertz if he would vote in any particular way?

A No, sir.

Q Do you know of any councillor having received commission from any machine companies or salesmen in connection with machinery bought by the Municipality?

A No, sir, I do not know of any.

Q Did you ever yourself receive any commission?

A No.

Q Did you ever accept any commission?

A No.

Q Do you know of any councillor ever having received any commission for machinery or other work?

A No.

Q (Reading Clause "F" of Exhibit 1).

Do you know of any such irregularities?

A That has been done in my division ever since I was councillor.

Q It has been done in your Division? That is a servant of the farmer works on the road with the farmer's horses and the farmer receives the money?

A Yes.

Q But that is not considered an irregularity?

A No.

Q I am asking about the irregularities in the matter?

A Well there may be mistakes.

Q Do you know of any?

A Well I always make mistakes in my own business.

Q Well do you know of any mistakes or irregularities outside of what you have given us?

A No.

Q (Reading Clause "G" of Exhibit 1).

Do you know of any?

A I do not know of any.

Q (Reading Clause "H" of Exhibit 1).

Do you know of any such misuse?

A Well you asked me the other day and I did not think there was. I sold a fellow seed grain at one time and he gave me an order to get the money he had coming to him.

Q What is his name?

A Greensby. He lived at Holborn and he said he could not get any seed grain and I waited a year for the money and I took an order for something that was coming to him.

Q Were his taxes paid before the money was paid to you?

A Well they generally keep the taxes.

Q Do you know?

What has been done in my division over since a was connolidation.

It has been done in your Division? That is a portrait of two farmer notes on the road with the Tennessee horses and the farmer receives the money?

A Yes.

Q But that is not considered an irregularity?

A No.

Q I am asking about the irregularities in the matter

A Well errors may be mistakes

Q Do you know of any

A Well I always make mistakes in my own business.

Q Well do you know of any mistakes or irregularities outside of what you have given us.

A No.

Q (Handing Clerks "G" of exhibit 1).

Do you know of any?

A I do not know of any.

(Handing Clerks "H" of exhibit 1).

Do you know of any such mistake?

Well you asked me the other day and I did not think there was.

A mold a fellow need train at one time and he gave me an order to get the money he had coming to him.

Q What is his name?

A Cannon, He lived at Holmon and he said he could not get his money and I walked a 7 - 8 for the money and I [illegible]

[illegible] taxes paid before the money was [illegible]

A To the best of my knowledge and belief I believe the taxes were paid.

Q Do you consider that a misuse?

A I do not think so.

Q Do you know of any misuse of the Municipal Office for debt collecting purposes?

A No I could not just say offhand.

Q Do you object to the Municipal office paying orders?

A No.

Q THE COMMISSIONER: You did not provide work for the man for the purpose of raising that money to pay that debt?

A No.

Q Had you any talk with him at the time?

A No.

Q And he performed the work the same as any other ratepayer would be entitled to do?

A Yes.

Q And he owed the Municipality nothing and he gave you an order to collect the money and apply on your debt for seed grain?

A Yes.

Q Would that seed grain be a lien against the Municipality?

A No, sir. He was a stranger to me and I gave it to him.

Q He was starting on a homestead.

MR. PARLEE: Was that in your district where he did the work?

A Yes.

Q He owed you for the seed grain?

A Yes.

Q And he subsequently did the work?

A Yes.

Q Did you tell the foreman to employ him?

A Yes.

Q Who employed this man?

A The foreman.

Q Did you know he was to be employed?

A Well that is the first I saw him.

Q (Reading Clause "i" of Exhibit 1).

That refers to Mr.E.H.Pidgeon. That is correct?

A Yes.

Q How long was he Secretary Treasurer?

A I could not answer that.

Q Was he there when you were elected?

A Yes.

Q And his Assistant recently is Mrs.Pidgeon?

A Yes,sir.

Q Do you know of any - what have you to say about the manner in which the Secretary Treasurer or his Assistant have performed the duties of their office?

A I do not think it could have been done any better.

Q And you have therefore no criticism?

A No.

Q Have you any criticism to make of the manner in which the offices of Secretary Treasurer have been performed?

A No,sir.

Q There have been criticisms of the manner in which this office has been conducted, have there not?

A Yes.

Q And his salary has been increased from the time of his employment up till now?

A Yes.

Q And sometimes this year if my memory serves me right his salary was some $1700?

A Well I It is $1700 now.

Q And it has been divided so that he receives $900 and his Assistant $800?

A Yes.

Q Why was that done?

A Well he had to put her in as Assistant and give her part of the money.

Q His income was $1700 and then for some reason or another it was divided so that he receives $900 and she receives $800 as Assistant?

A Yes, sir.

Q Why? Was there any request or reason given. Who suggested it?

A Mr.Pidgeon.

Q What reason did he give?

A Well probably his salary was threatened.

Q What do you mean by threatened.

THE COMMISSIONER: Somebody was going to attach it or garnishee it I suppose?

A Yes.

Q You understood it?

A Yes.

Q And with that full knowledge that someone would get their debts paid by Pidgeon you were a party to dividing up the salary and giving his wife half?

A Yes.

Q That is correct?

A Yes.

And assuming that you is my money receive as that his salary was some $1700?

[illegible]

Q And it has been validated so that as receive $900 and his assistant $800?

Yes.

Q Why was that longer?

A Well he had to put her in as assistant and its not part of the money.

Q His income was $1700 and then for some reason or another it was divided so that he receives 1900 and she receives $800 as assistant?

A Yes, sir.

Q Why? Was there any request or reason given, who suggested it?

A Mr.Hudson.

Q What reason did he give?

A Well probably his salary was increased.

Q What do you mean by increased.

THE GOOD GENTLEMAN: Somebody was going to a board if or something is I suppose.

A Yes.

You understood it?

A [illegible]

Q [illegible] with the full knowledge that persons would get their definite [illegible] by Hudson you were a party to dividing up the money and [illegible] his wife half?

A [illegible]

Correct?

A Yes.

Q And you know you were a party to assisting in a fraud on creditors?

A Well I never looked at it in that way.

Q But you looked at it that you were going to help Pidgeon get clear with his salary?

A He was going to pay so much a month he told me.

Q But you were a party to helping him so he could get out? You were a party to that - to a man defrauding his creditors?

A Yes.

MR. PARLEE: Some of the councillors have objected to the retention of Mr.and Mrs.Pidgeon, haven't they?

A Yes.

Q What two councillors have criticised his continuance?

A Well Mr.Howatt and Mr.Francey.

Q And the other four, that is you and Mr.Akins and Mr.Kreye and Mr. Goertz have consistently supported him?

A Yes.

Q Do you recollect a motion made by Mr.Goertz to discharge the Secretary?

A Yes,sir.

Minute Book of Council commencing August 7th,1925, filed as Exhibit 14.

Q I am showing you page 235 of Exhibit 14. I notice here a motion. Do you remember it "moved by Mr.Goertz that this Council dismiss the secretary E.M.Pidgeon."

A I was present.

Q You remember that motion?

A Yes.

Yes.

And you know you were a [illegible] in [illegible] credit[illegible]

Well I never looked at it [illegible]

But [illegible] looked at it that [illegible] closer with his [illegible]

He was going to pay [illegible] money

But you were a party [illegible] in a [illegible]

You were a party to that [illegible] credit[illegible]

Yes.

MR. PARK: [illegible] council[illegible] have objected [illegible] personal of Mr. [illegible] Hudson, haven't they?

A Yes.

Q What two [illegible] have criticized [illegible]

Well Mr. [illegible] and Mr. [illegible].

And the other [illegible] Mr. [illegible] and Mr. [illegible] County have consistently [illegible]

Yes.

Q Do you recollect a motion made by Mr. [illegible] secretary?

A Yes, sir.

Minutes Book of Council commencing
August 7th 1956, filed [illegible] MAH

Q [illegible]

I am show[illegible] you page 655 of [illegible] I believe there a motion. Do you remember it moved by Mr. [illegible] that this Council dismiss the secretary [illegible]?

A [illegible]

Q [illegible]

A [illegible]

Q It was moved by Mr.Goertz and in favor of it are Mr.Howatt, Mr.Goertz and Mr.Francey?

A Yes.

Q And in consequence the contra would be Mr.Akins, Mr.Kreye and yourself?

A Yes.

Q And so it stood?

A Yes.

Q He was continued in office?

A Yes.

Q Now subsequent some time to that motion Mr.Goertz then consistently supports the secretary?

A Yes.

Q And it then becomes Messrs. Goertz, McKinley, Akins and Kreye in favor of the secretary and Mr.Francey and Mr.Howatt against him?

A Yes.

Q And that continues up till today, doesn't it?

A I think so.

Q And we can safely say that so far as the conduct of the office of the Secretary Treasurer is concerned whether it is satisfactory or not there are four in favor of him and two against him?

A Yes.

Q Do you know of any reason why Mr.Goertz changed from being against him to his favor?

A Well his argument was that he wanted to find out what these fellows had against him and that is why he made the motion.

Q He made the motion to bring the matter to a head?

A Yes.

Q Apparently the conduct of the office of the secretary had been

under considerable criticism prior to this motion of Mr.Goertz?

A Well some criticism.

Q And your understanding is that Mr.Goertz wanted to bring the matter to a head?

A Yes.

Q You are still in favor of retaining the secretary?

A Yes.

Q I have been informed that you have been security for Mr.Pidgeon on one or more times. What have you to say to the Commissioner in regard to that. You have heard it also?

A Yes.

Q Will you tell the Commissioner what security or otherwise you have gone for Mr.Pidgeon?

A I bought two cars from him in the last two years, and the last car I bought I paid it in cheques and Mrs.McKinley paid the final payment herself.

Q What do you mean?

A I believe Mr.Bryan has the cheque.

Q What you told me the other day was you owed him a certain amount of money for these cars?

A Yes.

Q And you went on the notes?

A Yes.

Q And these notes go to the Finance Companies. Is that correct?

A The car companies, yes.

Q A legitimate transaction?

A Yes.

Q And were you security for him?

A No not for his own business.

Q You were on a note that you say you were properly on. Is that correct?

A Yes, sir.

Q Outside of that have you in any way during the last few years or any time while you have been counsel been security for Mr. Pidgeon?

A No, sir.

Q Never at any time?

A No. It was only squaring up a car I bought from him.

Q You would owe Mr. Pidgeon money?

A Yes, on a car.

Q But you never guaranteed the payment of his debts to anybody else?

A No.

Q Did you ever endorse a note for him?

A I gave him a note for the car.

Q You gave him your own note to pay him a certain amount of money?

A Yes, sir.

Q But did you ever assist him in borrowing the money from the bank?

A No. I will tell you how it was. Mr. Pidgeon had a carload of cars come in and I advanced him the money to pay the freight on the cars and I took a Bill of Sale of a car because the car I wanted was not on that carload. It was a coupe my daughter wanted and he gave me a Bill of Sale on a Tudor Sedan.

Q How much money did you advance?

A In the neighborhood of eleven hundred dollars.

Q Do he owed you $1100.00?

A Yes and I took a Bill of Sale on a car as security.

MR. BRYAN: I do not think he means a Bill of Sale. It was an agreement.

THE COMMISSIONER: You took security on that car?

A Yes.

Q You had loaned this man $1100.00?

A Yes.

Q You wanted to get that back didn't you?

A Yes.

Q And in order to secure yourself you took some security on the car?

A Yes and I went to the bank and got this information.

Q MR. PARLEE: I asked you the other day to be perfectly frank with me and we left here with the understanding that you went to the Bank and borrowed money on a note because you owed for the car?

A Yes.

Q I asked you over and over again to be perfectly frank with me.

A Yes.

Q And I think we left it that you would come back if you thought of anything?

A Well I was waiting of Mr.Bryan.

THE COMMISSIONER: Tell us of any other transaction you had with Pidgeon.

A That was a car I got for my daughter.

Q This is where you loaned Pidgeon $1100.00?

A Yes.

Q Did Pidgeon pay you that $1100.00?

A He gave me a car in lieu of the money.

Q What?

A The car was in his garage.

Q Well he could not give you a car when you gave him the money

because you said he hadn't any?

A When the carload came in I gave him $1100.00 to release the cars and I took an agreement to take one of the cars.

Q At what price?

A I couldn't say.

Q Did you get the car?

A Yes.

Q And have you got it still?

A Yes, it is a car I got for my daughter.

Q What did you pay for it?

A I could not answer that. I just forget what I paid for it.

Q Would it be $1200 or $1300?

A Around there.

Q Do you buy many cars?

A And a year later a car I had burned and then I got another car from him in 1930.

Q And is that $1100.00 squared off now?

A Yes, I paid him cash for the other car.

Q How much?

A I just could not say offhand but around $1200 or $1300.

Q And what are the dates of these transactions?

A In the spring of the year, March or April, to the best of my knowledge.

Q What year?

A 1930.

Q MR. PARLEE: You were in here to see me on the 5th of August?

A Yes.

Q And I asked you certain questions. Did you say you could not remember.

A I don't know whether I did.

Q Did you give that answer to me?

A I could not tell you.

Q Did I ask you that question and did you give me that answer, on the 5th of August (Reading):"I tell you I forget these "things and I cannot remember."

Q "Have you gone security for any amount for the secretary treasurer Mr.Pidgeon?"

A "Not in his own business" ,

Did you answer thusly?

A Yes, sir.

Q "You were on a note with Mr.Pidgeon for a car you bought from him?"

A "Yes. "

Q "What was the amount of the note?"

A "I don't know."

Q "You do not know?"

A "It might be $200 or it might be $2000.00."

Q Did you make those answers to me?

A Yes.

Q "Is that all. Find out and make sure. I suggest that you do that. Is that all the note you ever went on for Mr.Pidgeon?"

A "Yes that is all."

Is that the answer you gave me?

A Yes.

Q Were you ever mixed up with a note with Mr.Pidgeon with a man named Strassburger?

A No.

Q Do you know Strassburger?

A Yes,sir.

Q Where does he live?

A A mile and a half from here.

Q And there is no truth in that whatsoever?

A No.

Q And have you anything further to say in answer to this subject of inquiry, generally, the manner in which his duties of office were performed? That office has been occupied entirely by Mr. Pidgeon with the assistance of his wife Mrs.Pidgeon?

A Yes.

Q Have you any complaints to make in regard to the performance of that office?

A Under the conditions I think that office was run pretty good.

Q Well without the conditions. Have you any criticism to make of it?

A No.

THE COMMISSIONER: Does the secretary let you sign payrolls with other peoples'names on them and issue cheques on that? The secretary treasurer has issued cheques on your unauthorized signature hasn't he?

A Yes.

Q Do you think that is a good officer, when money is payable to some employee or ratepayer, that you can walk in there and sign their name without any authority and get the cheque?

A Before Mr.Pidgeon came -

Q Do you think that is a good officer or not. Yes or no?

A Well it would not be, but the Reeve sanctions all these things.

Q That money is payable by the Municipality to a particular individual, and do you think a good officer will make cheques out merely on your signature when you have no authority whatever to get the money or sign? Would you think that is a good officer?

A Well I would not think so.

Q So don't you think that would be a just complaint against the administration of this office of Secretary Treasurer? Don't let us waste any time. You are a business man.

A Well I am farmer.

Q And you do quite a bit of business?

A Yes, sir.

Q Don't you think that is a just complaint?

A Well I have never looked at it in that way.

Q Well supposing you are a farmer, if every Tom, Dick and Harry ran around and signed your name and drew your money out of the bank, would you like that?

A No.

Q Now don't you at the bottom of your heart know that that was not good office administration, to hand out cheques on your signature when you had no authority from these people to sign? Now I will take your word and I don't care what you say. Do you think that is bad or good?

A Well under certain conditions it would not be good.

Q Well under what conditions would it be good?

A Well supposing you were signing a man's name that would show he should get his cheque for that work?

Q It is a receipt for the cheque?

A It is signed before he can get his cheque.

A Well you had better not do any more of it now.

MR. PARLEE: (Reading clause "j" of Exhibit 1).

There was an election in three of the Divisions in February of this year?

A Yes.

Q Your Division being one?

A Yes.

Q And what other two?

A Six and four.

Q That is Mr.Geertz and Mr.Francey?

A Yes.

Q And you had an election in your Division?

A Yes.

Q And your opponent was whom?

A Mr.William Propp.

Q There was an acclamation in four with Mr.Francey, and Mr.Geertz had a contest?

A Yes.

Q Your opponent was Mr.William Propp?

A Yes,sir.

Q And you were elected?

A Yes,sir.

Q Of course this election brings it home very closely to you. It concerns your Division?

Yes.

No doubt you have considered carefully the subject here of the irregularity in connection with the election of certain councillors. You are involved aren't you?

A Yes.

Q I am asking you a very general question. Will you tell the Commissioner if you have any knowledge of any irregularity or misconduct or anything illegal in connection with the election in Division 1? Have you any knowledge of any irregularities or misconduct, anything illegal, any carelessness, any person improperly voting in your Division in that election?

A That is a big question to answer.

Q THE COMMISSIONER: Well it gives scope for thought. Do you know of anybody who voted who should not have voted?

A Well we swore those that we thought should not.

Q Do you know of anybody who voted in the election in your district who should not have voted? I do not care what they swore to?

A Well Mr.Alfred Cleveland.

Q Did he have a right to vote?

A I don't know whether - he had a farm on the South Side of the River and I could not swear whether he established a residence there or not.

Q Did he vote?

A Yes he voted.

Q Were you there when he voted?

A Yes,sir.

Q And did anybody take exception to his voting?

A He was sworn.

Q Who took exception to his voting?

A Mr.Graydon.

Q Is that your full information or knowledge regarding any person who improperly or illegally voted?

A Well it was remarked there was a Mr.Aulkine voted.

Q Did he have a right to vote?

A I could not say.

Q You were aware - the fact is that the ballot boxes from the Divisions were returned to the Secretary Treasurer in due court

A Yes, sir.

Q And they must be kept there in the office of the Secretary Treasurer for two months before they are destroyed. That is the law?

A Yes.

Q And you are aware that the Acting Deputy Minister of Municipal Affairs notified the Secretary Treasurer not to destroy the ballots but to retain them?

A I heard that.

Q And you also are aware that with such instructions the contents of these boxes were destroyed?

A Yes, sir.

Q You know that?

A Yes.

Q And we have not now access to the contents of these boxes. That is correct?

A Yes.

Q When were you aware that the contents of these boxes were destroyed?

A Well when the time was up, the two months, they were destroyed.

Q But contrary to the instructions of the Department?

A Yes.

Q Were you aware that there was any criticism of your election and the conduct of the election?

A Yes, sir.

Q You were aware that certain people objected to the election?

A Yes, some people were complaining.

Q And how long after the election did you find that out?

A Well I just could not say offhand but it was not very long afterwards.

Q And did you know that these people complaining had consulted a lawyer?

A Well I know they consulted the Department.

Q Were you aware that the Department had notified the Secretary Treasurer to retain the contents of the boxes?

A Well there was a letter sent but it was never on file.

Q I asked you if you had knowledge?

A Yes I had knowledge.

Q Before the contents of the boxes were destroyed?

A Yes, sir.

Q From whom did you receive that information?

A I think it was Mr.Pidgeon.

Q He told you that the Department had instructed him not to destroy the contents of these ballot boxes. Is that correct?

A Yes I believe it is.

THE COMMISSIONER: Who else told you?

A Well I could not say. I just heard it.

Q Did the Assistant Secretary Treasurer tell you?

A I can't remember.

MR. PARLEE: Was she present when Mr.Pidgeon told you?

A I can't remember that.

Q Where did he tell you?

A I could not say that.

Q Were you a party to the contents of these ballot boxes being destroyed?

A No,sir.

Q When did you find out that they were destroyed?

A Shortly after they were destroyed.

Q They would be destroyed the first two or three days in May or the last day or two in April, one or the other?

A Well I just heard they were destroyed. I don't know what date.

Q Who told you they were destroyed?

A Well when I heard it in Mr.Pidgeon's office.

Q And how long after they were destroyed?

A Not very long.

Q Who told you?

A I heard it in Mr.Pidgeon's office.

Q Who told you, Mr.or Mrs.Pidgeon, or did either of them tell you?

A I think it was Mrs.Pidgeon.

Q And what did she tell you?

A That they burned the contents of the boxes.

Q Did she say anything else. Tell me how this conversation arose that the contents of these ballot boxes were burned?

A She told me that her husband told her she should not have burned them and that she burned them.

THE COMMISSIONER: Did she tell you that her husband told her not to burn them before when he got the instructions from the Department?

A No I don't recollect anything like that.

Q And that is the man you think is a good Secretary Treasurer. Is that correct?

A Well -

Q He got instructions from the Department to preserve these things and he said nothing to the Assistant about them and let them be destroyed. Do you think that is a good officer?

A Well it is carelessness probably.

Q MR.PARLEE Were you a party at all to having the contents of these boxes destroyed?

A No.

Q Now first let me summarize it. Shortly after the elections you knew some people were complaining of your election and had some expectations of a contest. Is that correct?

A Yes.

Q And they had gone to the Department?

A Yes.

Q And then you subsequently learned that the Secretary was instructed to retain the contents of the boxes?

A Yes.

Q And shortly after they were destroyed you were informed they were destroyed?

A Yes,sir.

Q Were you a party directly or indirectly in having the contents of these ballot boxes destroyed?

A No,sir.

Q Did you know they were going to be destroyed?

A No,sir.

Q Had you intimated or suggested to the secretary treasurer or anybody that the contents had better be destroyed?

A No,sir. [illegible]

Q So you had no knowledge of their destruction till subsequently?

A No. [illegible] was all right.

Q. THE COMMISSIONER: How long was it from the time you heard they had been instructed to preserve them and you heard they had destroyed them. How many days elapsed?

A. The time might have been three weeks or a month, to the best of my knowledge, around there somewhere.

Q. And did you hear the date on which they were destroyed?

A. Well they said the proper time was arrived at before they destroyed them.

Q. It was promptly on the expiration of the two months was it, the day it expired?

A. Well I could not say that.

Q. MR. PARLEE: Well were all the contents of the ballot boxes for your Division 1 destroyed or was anything retained or saved?

A. I heard there was some book retained.

Q. What book?

A. I don't know whether it was a ballot book or what it was.

Q. Did you ever hear how it was saved or how it came to be retained or was not destroyed?

A. No, sir.

Q. You know nothing?

A. No, sir, except that it was one book that was not destroyed.

Q. I asked you a question a moment ago, have you any knowledge or information respecting any irregularity, any improper conduct, anything illegal or any person voting who had no right to vote at this election of yours outside of what you have already given us?

A. I mentioned two names.

Q. Yes.

A. I think it was all right.

Q That is a very general question and you have no further information to give us?

A No.

Q Who was the returning officer?

A Mr.Tom Scott.

Q Is that the same Tom Scott that appears on that?

A Yes on that time sheet.

Q Do you remember the name of T.R.Scott appearing on one of those sheets?

A Yes.

Q And is that the T.R.Scott who was named as returning officer?

A Yes,sir.

Q This is the same T.R.Scott that appears on Exhibit 12?

A Yes,sir.

Q Is that his signature?

A Yes,sir.

Q He is in your Division?

A Yes.

Q And does work for you?

A Yes.

Q THE COMMISSIONER: Is that his signature or anybody elses?

A Well to the best of my knowledge.

Q It is not your writing?

A No.

MR. PARLEE: Who appoints him as returning officer?

A I do.

Q And is he sworn in?

A Well I could not say. He must have been.

Q Who was his clerk?

A. His daughter.

Q. Who is that?

A. Mrs.Jean Sutherland.

Q. Was she sworn. Who were your Agents there?

A. Mr. B. George Powell and Mr.Tom Graydon.

Q. He is one of your foremen?

A. He was.

Q. Mr.Scott and his daughter, your agent was Tom Graydon.

A. Yes.

Q. Any relation to Walter?

A. Father.

Q. And we have Mr.B.George Powell who was at one time your foreman?

A. Yes,sir.

Q. Has he been your foreman since?

A. Well he drags the road with his engine.

Q. And Mr.Propp had his agents there?

A. Yes.

Q. And Mr.Herman J.McDonald was there?

A. Yes.

Q. And was he agent for Mr.Propp?

A. He was acting agent.

Q. And you reiterate that so far as you know outside of those two persons voting you know of nothing improper or any misconduct during the election?

A. There was a few words there. That is all I know of.

Q. Well that is certainly not illegal. Did any of your daughters vote that day?

A. Yes,sir.

Q. Which ones?

Q Annie.

Q Is she married?

A Yes.

Q Whom did she marry?

A Don Gile.

Q Where does he live?

A At Jasper.

Q And where does she live?

A She is living there now.

Q Her husband lives at Jasper and she voted at your election on February 28th. Where was he living on February 28th of this year?

A He was living at my place. He lived with me all winter.

Q And she lived with you?

A Yes.

Q When did he come to your place?

A He was there last Fall.

Q Working for you?

A No, just staying there. He was helping me.

Q Where was his residence last Fall?

A At my place.

Q Did he vote that day?

A No, sir.

Q Just your daughter?

A Yes.

Q Was she on the list?

A Yes.

Q What were her qualifications for voting?

A She was of the full age of twentyone and she had been living with me for a year steady residence.

Q So that your daughter Annie was in steady residence at your place at least a year prior to the elections?

A Well she was away on her honeymoon for a month or so.

Q When was that?

A In July.

Q Had she lived with you up to the time she was married?

A Yes.

Q And she married this fellow Gile in July?

A Yes.

Q Where did they go to live?

A They took a trip to the Mountains.

Q And when they came back where did they take up their residence?

A At her home.

Q At your place?

A That was her home then.

Inquiry adjourns till 2:00 P.M.

At 2:00 P.M. Inquiry resumes.

MR. PARLEE: There have been rumors come to me somewhat persistently both today and on a prior date that some of the witnesses whom it is proposed to call here have been approached and it has been intimated to them that if they gave evidence here they

would get in trouble. And I wish, and may I request your Lordship to take this opportunity to issue a warning in that regard.

THE COMMISSIONER: I may point out that if anybody approaches anybody who is to give evidence here before this Commission to try and influence them in regard to giving that evidence or the manner in which it should be given, or to refrain from disclosing facts which are material to the inquiry, if the attention of the Commission is brought to that the Commission will exercise its power and have such persons dealt with for contempt of Court which will mean that they will simply be locked up. We do not propose to come out here to hold this inquiry for the benefit of the ratepayers of this district and have our time wasted by any ratepayer or anybody else and if I get the slightest inkling that any person is trying improperly to influence any person in giving their evidence such persons will be locked up. This is not a public entertainment or recreation. It is an inquiry being held at the instance of the Honourable the Lieutenant Governor of this Province for the benefit of the Council and the ratepayers in this Municipality, and all we ask is the co-operation of everybody in this district so that the truth may be ascertained and a report made accordingly to the Honourable the Lieutenant Governor in Council.

[illegible]

[illegible] in connection [illegible]

[illegible] you [illegible] told me?

[illegible]

I [illegible] now to "X". (Reading [illegible] "X" or [illegible])

Have you any knowledge of any irregularities in connection [illegible]

MURDOCK McKINLEY recalled.

Q MR. PARLEE: I asked you about your daughter Annie voting and she did vote and she was resident at your place. What was her qualification to vote?

A She was a resident in the district.

Q Is that her sole qualification to vote?

A Yes and a dependent and it was her home.

Q A dependent of you?

A Yes.

Q She does not own any land either conditional owner or purchaser

A Yes and all her cattle and stuff was on my place.

Q Did she have any personal property at your place?

A Yes all her stuff and clothes.

Q She voted because she is your daughter?

A Yes.

Q THE COMMISSIONER: When did she get these cattle?

A Fifteen years ago.

Q And how old is she?

A Twentythree or twentyfour.

Q So that she got them when she was about seven or eight years old?

A Yes.

MR. PARLEE: Have you any knowledge of any irregularities or improprieties in connection with the election otherwise than what you have told us?

A No, none at all.

Q I come now to "K". (Reading clause "k" of exhibit 1). Have you any knowledge of any irregularities in connection with

the transaction of the business of this district or any employee thereof other than what you have given us?

A No.

Q Have you any complaints to make with respect to the affairs of this District?

A No.

Q I will ask you one more question. Have you given us all the information and all your knowledge with respect to your financial relationship with the Secretary Treasurer Mr.Pidgeon?

A To the best of my knowledge and belief.

Q You have only been on two notes with him?

A One note, to the best of my knowledge.

Q THE COMMISSIONER: This $1100.00, did you get that in cash?

A Yes,sir, I got it myself on my own note.

Q And Pidgeon was not a party to that note at all?

A No.

Q And you gave him the money?

A Yes.

Q Did you take the note from him?

A No,sir. I had a car in lieu of the money.

Q MR. PAHLEE: Do you know Joe Kulak?

A Yes,sir.

Q Have you talked with him within the last few days?

A Just a few words in the street.

Q When?

A Friday or Saturday of last week.

Q Here in this town?

A Yes. you seen him recently

Q Since I saw Mr.Joe as.

Q And do you know that he is a witness here - he is to be a witness?

A Yes I heard he was.

Q And at the time you were conversing with him did you know he was to be a witness?

A Yes.

Q And did you discuss with him what evidence he was to give?

A No I did not. I did not know what he was going to give.

Q Have you heard what he will say?

A Well I only heard in connection with some whiskey.

Q That is adding an item on to his sheet.

A Yes.

Q And did you say anything to him about his evidence?

A No.

Q Was there any mention by you to him or by him to you of any evidence he proposes to give?

A No.

Q Did you intimate to him that if he gave any such evidence he is liable to get into difficulties?

A No.

Q Nothing at all?

A No.

Q The name of Chester Kimmerley has been mentioned here. You know him?

A Yes.

Q You know he will likely be called as a witness?

A Yes.

Q Have you seen him recently?

A No not since I saw Mr.Douglas.

Q Have you ever intimated to Mr.Kimberley that if he gave such evidence as it was thought he would that he was liable to get into difficulties?

A No.

Q Do you know of any intimidations or threats being made to Mr.Kimberley?

A No.

Q Have you made similar remarks to any other person that if they gave evidence here they would likely get into difficulties?

A No.

Q You know the White case?

A Yes,sir.

Q And you know that cost this District somewhere in the vicinity of $4000.00?

A Yes,sir.

Q You were aware that this particular quarter was taken for taxes by the district?

A Yes.

Q It was sold to Boness for somewhere in the vicinity of $332.00?

A Around there.

Q And you are aware that some few months later that he sold it to one Hoffman for $2,180.00?

A Yes around there.

Q Have you any knowledge or information respecting any irregularitie or improprieties in connection with the White quarter?

A No,sir, none whatsoever.

Q You think that everything was regular and proper?

A I think so.

Q I think you told me this morning you had never made any offer of bribes to Goertz directly or indirectly?

A No.

Q Did you ever say to any person prior to your election that any person who voted for you would receive any benefits?

A No.

Q Did you make any promises of benefits to any person if such a person voted for you?

A No.

Q Did you ever offer anyone any road work if such a person supported you in your election?

A No none at all. No. Sixty per cent of their taxes was my policy, that was all; outside of the Government Grant.

Q To sum up your evidence, you say that you never promised or gave any benefit or promised any benefit to any person for voting for you?

A No none.

THE COMMISSIONER: What do you mean by outside of the Government grant?

A Well the Government lays out where this part of the money goes, and the best teams would go on that.

Q And they are paid out of that?

A Well in some cases a man would earn sixty per cent of his taxes.

MR. PARLEE: Do you know Emil Miller?

A Yes.

Q Did you make any promises to him if he supported you, about his taxes?

A No, I promise him to get him some brushing, but it was not anything in connection with the election.

Q Was it prior to the election?

A Well it may have been last fall.

Q That was after the election?

A Yes.

Q Nothing improper?

A No, nothing improper.

Q MR. BRYAN: About how much money do you spend a year on the roads?

A Well this year I have got $4800 to spend. Last year I spent in the neighborhood of $6000 and the year before in the neighborhood of $8000.

Q So you would be running in ordinary years from $6000 to $8000?

A Yes.

Q And how much time do you generally spend on the roads?

A About thirty or thirtyfive days a year.

Q And you get paid for -

A - fifteen.

Q And as I understand it where you have got little odd jobs there is no foreman?

A No. Every man who does an odd job he signs as foreman.

Q And on big jobs you have a foreman?

A Yes.

Q Now in regard to the office of secretary. Have you any idea as to who did the work or the most of it?

A Well Mrs.Pidgeon did the most of it.

Q What kind of work?

A The clerical work in the office. Mr.Pidgeon took the notes down at the meetings.

Q Is there any work that causes a man to travel around?

A Wherever the councillors call a meeting Mr.Pidgeon has to go to that place.

Q And Mrs.Pidgeon does the clerical work on the books and Mr. Pidgeon does the going around?

A Yes.

Q Has it been that way for a long time?

A Yes ever since I have known him.

Q A question was brought up about this change in salary. Was that when Mrs.Pidgeon was appointed assistant? Were all the councillors present at that meeting?

A Yes.

Q Was there any voting against it?

A No.

Q They all voted for the motion?

A Yes.

Q Now then with regard to this car case you had with Mr.Pidgeon. I think there has been a misunderstanding. As I understand it, you wanted to buy a car from Mr.Pidgeon?

A Yes.

Q What kind of a car were you going to buy?

A I bought a Sedan or a Tudor car.

Q I mean when you were buying for your daughter?

A Yes.

Q And what about Mr.Pidgeon's cars. Where were they?

A They were on the track.

Q The car had come in and he had not taken the cars out of the freight cars?

A No.

Q Why hadn't he taken them out. Do you know?

A Well he might have been short of money to pay the freight.

Q And you gave him $1100?

A Yes.

Q And then what did he do?

A He released the cars.

Q And did you get your car then?

A Yes.

Q Did you get your Four Door at that time?

A My daughter kicked on that kind of car and I did not take it home.

Q What did she want?

A She wanted a coupe.

Q When did you get the coupe?

A Well they wrote to Oshawa or Regina, and as soon as they got word from there it came.

Q And that is the whole transaction is it?

A Yes.

Q You put up the $1100 for your car and when they came out your daughter did not want the car and she got it later - the coupe?

A Yes. I had ordered it before.

Q Were you on the Council at the time these tax recovery proceeding were taken in the White case?

A Yes.

Q Were any of the present councillors members of the council at the time the tax proceedings were taken?

A Yes.

Q Who?

A Mr. Lawatt.

Q Any others?

A No.

Q Mr.Howatt is the only man who was a member at the time this land was taken for taxes?

A Yes.

Q And there was a motion passed -

A That was in 1923.

Q THE COMMISSIONER: Just read the Minutes.

MR. BRYAN: What was the motion?

A That all lands in the district that were in the municipality's hands be sold owing to the fact that the bank was crowding the district for money.

Q The motion was put through, that all lands belonging to the district would be sold for what was against them?

A Yes.

Q And were there many parcels sold?

A Well I don't remember. It was just after I came in.

Q Did that motion go through do you know?

A To the best of my knowledge and belief it did.

Q And this land was sold pursuant to that motion?

A Yes.

Q With regard to this Kimberley case. The second time sheet, you will remember - when was that passed in the Council? Do you know? I notice it does not have your signature on it. Do you remember when it was passed? Were you present when it was passed?

A I could not just say.

Q Now then with regard to Mr.Pidgeon. It has been brought out here that there was a split in the council in regard to retaining Mr.Pidgeon. Was there any investigation into Mr.Pidgeon's work that you know of prior to the present one?

A I don't know of any.

Q Do you know about the question of checking over the books?

Do you know how they are checked over?

A The auditor checks them every year I believe.

Q And is there anybody else looks at the books?

A The Government Inspector.

Q When does he come out?

A Once a year.

Q Do you know when he comes, or does he just drop in?

A He comes before the 1st of May after the annual meeting.

Q He comes in some time,anyway, and checks them over?

A And he points out any irregularity he thinks there is and we follow it as well as we can.

Q I believe you had a discussion regarding Mr.Pidgeon one time when you were in Edmonton?

A Yes.

THE COMMISSIONER: Did you get any adverse reports from your auditors or your Government Inspectors?

A Well no I don't think so. We have the reports here.

Q You recall nothing adverse from either of them?

A No. They were read before the councillors and we followed them out.

Q Did the inspector approve of you having a Secretary Treasurer and Assistant Secretary treasurer in a small municipality like this?

MR. BRYAN: I do not think there has been an inspector since that was done.

Q I was going to say you were at one time in Edmonton in the office of the Deputy Minister - the council were?

A Yes.

Q And the question of the municipality was discussed, principally

the question of Mr.Pidgeon being retained?

A Yes.

Q I believe the Deputy at that time was prepared to take any steps which would be to the benefit of the District?

A Yes.

Q Will you tell what was said at that meeting with regard to Mr. Pidgeon?

A Mr.English asked the council how it would be if Mrs.Pidgeon took over the work instead of Mr.Pidgeon and they all agreed it might be all right, but-when they asked me I would not agree to it. I said I did not think it was any kind of place for a woman to be at a meeting where there was all kinds of language and smoking, and then they all agreed to Mr.Pidgeon.

Q How did they agree to Mr.Pidgeon?

A Well it come around, and we were reasoning it out among ourselves and he took the councillors' wishes.

Q Did he take them all in a bunch?

A He asked each man personally.

Q What did he ask them?

A If they would agree to Mr.Pidgeon and to start the thing and try and get along the best we could, and the council all agreed to Mr.Pidgeon.

Q Did they ask for any complaints against Mr.Pidgeon?

A Yes.

Q Individually?

A Yes.

Q And what was said?

A I don't remember what was said.

Q Did anybody make complaints?

A Not any that I could see that amounted to anything.

Q Well what did amount to anything?

A They thought Mr.Pidgeon should give more attention to it himself.

Q The general outlook of that meeting was that Mr.Pidgeon would be retained?

A Yes.

THE COMMISSIONER: But why this discussion with the Deputy about Pidgeon if they were all agreeable?

A Well we were asked to come into the office.

Q But had you been having trouble about Pidgeon?

A Well some councillors seemed to be against Pidgeon, two of them.

Q You really had a definite split in the council with regard to Pidgeon?

A Yes.

Q And the Deputy Minister called you in to see if he could iron out your difficulties, did he?

A Yes in connection with the election too, there was some trouble.

Q So that there was a definite split in the council over Pidgeon?

A Yes.

Q Well did they go in and tell the Deputy Minister that they did not agree with the rest of you and that Pidgeon was a good man and they had no complaints to make when you were having a fight out here amongst yourselves?

A Well they all agreed to Mr.Pidgeon's appointment.

Q Well he had been appointed before this.

A Yes. They all agreed Mr.Pidgeon was all right.

Q They agreed to try him out for a while longer, did they?

He was appointed and had not been dismissed. They all agreed they would try for the sake of harmony to continue him in office.

Q Is that it?

A Yes.

Q You were divided four to two when you went in there?

A Yes.

Q And the other two agreed with the suggestion of the Deputy that you would try to get along with Pidgeon?

A Yes.

Q That is all that took place?

A Yes.

MR. BRYAN: Was that the suggestion of the Deputy?

A Well I could not just say.

THE COMMISSIONER: I gather there is more or less friction out in this Municipality with regard to the administration of its affairs. Is that correct?

A Lately?

Q Well this last year or two?

A Well we circulated a petition a year or two ago and three quarters of the people in the municipality signed it to retain Mr.Pidgeon.

Q Why did you circulate the petition?

A Well when the split was in the council three-three.

Q Is it fair for me to say that there was a lack of harmony amongst the councillors in this municipal district in regard to the administration of its affairs?

A Well the auditor passed the books and the inspector looked through them and we had nothing to go by.

Q Is it fair for me to say that there was lack of harmony amongst the councillors in the administration of the affairs of this municipal district or not?

A Well I have got nothing against any of the councillors and I do not think there is anything when it comes to passing bills. And then

they come to the interest of the municipality I do not think there is any lack of harmony.

Q Well what in your opinion is the cause of this inquiry?

A Well it started over the election of 1931 and it led on to this.

Q And that was held in February?

A Yes.

Q Was there any friction between the councillors prior to that election?

A Only just over the secretary. There was nothing in connection with the business of the muncipality.

Q Well the secretary is the business of the municipality?

A Yes.

Q So that you had some friction prior to 1931. When did this friction start?

A 1929 I believe.

Q What time in 1929?

A I could not say that.

Q What did it start over?

A The first was that resolution of Mr.Goertz that we fire Mr.Pidgeon

Q That was in 1929?

A To the best of my knowledge, yes.

Q And was there any friction before that?

A Not that I know of. There might have been some sometimes but I could not say there was any before that.

Q What reason did Mr.Goertz advance in support of his resolution that Mr.Pidgeon be discharged?

A He claimed they wanted a show of hands.

Q What for?

A To see if there was anything and to get to the bottom of what was the matter.

Q And did Goertz have no other reason except that an officer be discharged?

A Not to my knowledge.

Q What did he tell you had occurred?

A I don't recollect.

Q He just thought he would like to have six councillors sit there and hold up their hands one way or the other?

A Yes.

Q Without any reason whatever. Is that correct?

A Yes, sir.

Q And his change of heart was produced by the fact that he did not get a show of hands against him and so he thought Pidgeon was all right?

A Yes he did after a while.

Q And what about the other two?

A Well they remained as they were.

Q But did they say anything when this resolution was put and they supported it?

A They supported it but they did not put in any claim.

Q Did they say why they voted against Pidgeon?

A No.

Q They would not vote against a good official just because Goertz wanted a show of hands?

A They had not produced any evidence against him.

Q Did they say anything?

A Not to my recollection.

Q Do you generally sit there and vote on resolutions without any expression of opinion in regard to its merits? If you do it is

A the first one I have heard of?

A Well they sit there all day -

Q But if the resolution had carried you were putting a man out of his livelihood?

A Yes.

Q And there must have been some discussion take place?

A Well I don't think there was. If there was it would be in the minute book.

Q But the discussion would not be there, just the resolution. Did Francey say anything?

A No.

Q Did Howatt?

A I don't remember.

Q Can you see any reason why Francey and Howatt should want him discharged?

A No.

Q This appointment has been a bone of contention ever since 1929?

A I thought it was relieved when we went to see the Deputy Minister.

Q But it was a real live issue up to then?

A Yes.

Q And did the council take sides?

A They were divided on Mr.Pidgeon.

Q But after Mr.Goertz' resolution did it come up again?

A We hired him over again the following year.

Q Did you have any discussion then?

A I could not just say.

Q Did you take a vote again?

A Yes.

Q And how was the vote that?

A I don't know.

Q Did they all vote for Pidgeon?

A I cannot recollect. It might have been two votes against him.

Q Who?

A Mr.Howatt and Mr.Francey.

Q They were still dissatisfied?

A Yes.

Q Did they say why they voted against him at that meeting?

A No.

Q And he was appointed for a year then?

A Yes.

Q And when was he re-appointed?

A In 1931.

Q Before you saw the Deputy Minister or afterwards?

A Before we saw him.

Q And how was the vote then?

A Four to two.

Q And Francey and Howatt still against him?

A Well we all voted for him to the best of my knowledge.

x I think Mr.Howatt was absent when we fixed the wages.

Q And did Francey vote for him?

A Yes.

Q And that is the time -

A I mean at the time we gave him $1700 we all voted for him.

Q Did you have any dispute over who should be the Reeve?

A Yes.

Q And what about that?

A The first meeting after the annual meeting we appoint a Reeve. And to the best of my knowledge Mr.Francey nominated Mr.Goertz and I nominated Fred Kreye.

Q And who was appointed?

A Mr.Kreye.

Q And what difficulty did you have over that?

A Well some of them claimed that Mr.Goertz could not vote for himself, and Mr.Pidgeon phoned into Edmonton.

Q Were you friendly over it or was there friction all through the business?

A As far as I am concerned I did not hold anything against any of the councillors.

Q Now while you were in the council, you have been in since 1923?

A Yes.

Q Did anybody come to the council and make any complaints about improper cutting of brush or improper expenditure of road money or any irregularities at all until after you had visited the Deputy Minister in Edmonton?

A I do not recollect of any.

Q Were any formal charges presented to the council in writing?

A No.

Q Did any elector or ratepayer appear before the council and make any charges orally?

A No, sir.

Q And have you any knowledge other than what you have indicated today?

A No.

Q So that you had had your interview with the Deputy Minister of Municipal Affairs before anybody stepped forward to present any formulated charges against the council or any member of the council or the secretary treasurer or his assistant. Is that correct?

A To the best of my knowledge.

Q Had you heard about these things indirectly?

A Some of them, yes, sir.

Q Did you take any steps to present this to the council yourself?

A Anything we heard we talked about it.

Q And did you investigate it?

A Well we communicated everything to the Government in Edmonton. When we went in they asked us about it.

Q And was somebody here sending reports in to the Government over your head?

A I guess so.

Q And then they were brought to your attention by the Government?

A Yes, sir.

FRED HENRY KREYE called and sworn testified as follows;

Examined by Mr. Parlee:

Q You are Councillor for Division Number Two?

A Yes.

Q And you have been for how long?

A Five years. This is the sixth year?

Q And you are Reeve?

A Yes.

Q And you were elected Reeve when?

A March of this year.

Q And am I correct in stating that there has been considerable discontent throughout the municipal district for some years past?

A As long as I have lived in it there has been - for years.

Q How many years have you lived here?

A Thirty years.

Q And the last few years particularly. Am I correct in that?

A Yes.

Q And there have been considerable complaints for the last five or six years with the Government?

A Well longer than that I guess.

Q That is the Government of the district - the council?

A Yes.

Q You have read over this Commission, the subject matter of the Inquiry?

A Yes.

Q And you were also examined by myself as to the matters in question?

A Yes.

Q And no doubt you have considered the matters?

A Yes.

Q I will read you the first (A) (Reading clause "A" of Exhibit 1.) Have you anything to say with respect to that?

A No.

Q So far as you know there have been no such monies paid?

A No.

(Reading Clause "B" of Exhibit 1).

Q Have you any observations or information or knowledge respecting that subject of the inquiry?

A None.

Q (Reading Clause "C" of Exhibit 1). Have you any knowledge or information respecting that subject?

A No.

Q (Reading Clause "D" of Exhibit 1). Have you any knowledge or information respecting that item of the inquiry?

A No.

THE COMMISSIONER: What do you mean by dividing between the district and the ratepayers?

A Well where the municipality would do so much the ratepayers pay so much.

Q And then they would collect the money from the ratepayers?

A Yes.

Q And whoever would collect it would account to the council for that?

A Yes.

Q You know of no difficulty in that respect?

A No.

MR. PARLEE: (Reading Clause "E" of Exhibit 1). Have you any knowledge or have you heard anything?

A No.

Q (Reading Clause "F" of Exhibit 1).

A Yes, that is done regularly.

Q That is, a ratepayer has an employee and that employee goes to work on the roads, or does other work and the employer receives the money and he pays the employee?

A Yes.

Q The question is, do you know of any irregularities in connection with that?

A No.

Q (Reading Clause "G" of Exhibit 1). Have you any such knowledge?

A Well the tractor case of mine.

Q Will you tell the Commissioner what you have to say about that

tractor?

A Well it was five years ago I think. I wanted to do some grading and I mentioned it at a council meeting and they passed a resolution hiring my tractor. And I got a man named Walter Allan to drive the tractor.

Q For how long did they hire it?

A I forget how many days.

Q What price?

A At $2.50 an hour was the rate.for the man and tractor.

THE COMMISSIONER: And you supplied the man?

A Well the man did the work. He was a neighbor.

Q But you were paid the $2.50?

A No,I was not paid the full $2.50.

Q How much did you get for your tractor?

A He made out the pay sheet the way it should be made out and he allowed himself fifty cents an hour for driving it and after the oil was paid out of it it realized a little better than a dollar an hour.

Q You hired your tractor to the municipality?

A Yes.

Q What were you to get for that tractor?

A $2.50 an hour.

Q Did you get $2.50?

A Yes.

Q They gave you $2.50 an hour?

A Yes.

Q Was that a reasonable price?

A Yes, I think that was the price at the time.

MR.BARLEE: Do I understand you to say that the tractor and man

was $2.50 an hour?

A Yes.

Q And Allan got the fifty cents and you deducted the cost of oil or gasoline and there was a do lar an hour left for you?

A Yes, a little over a dollar an hour.

Q And what was the total amount?

A I could not say.

Q And the time sheet was made out under whose name?

A Walster Allen.

Q Do you recollect the time sheet?

A Yes.

Q And who signed it as foreman?

A I forget who it was. One was a grader man and the other was the tractor man.

Q And did you certify to it?

A Yes.

Q And the matter came up before Council?

A Yes.

Q Did it come up before council before or after the tractor was hired?

A Before.

Q And it is alleged to me that you explained there was no other tractor in the vicinity?

A Not that size.

Q And was it necessary to have one of that size?

A Yes.

Q So it is a fact that you represented to council that there was no tractor of the proper size except yours, in the vicinity?

A Not as big as mine.

Q Would there have been a satisfactory one other than yours?

A I don't think so.

Q Were there any other tractors in the vicinity?

A Yes, Scheiderman had a Fordson and Conine had a John Deere.

Q Don't you think we are entitled to an explanation from you why yours was the only proper one that was available?

A Because it was a bigger size and it would do more work.

Q That is, it would do it more quickly?

A Yes.

Q The others would be capable of doing it?

A Not as heavy work.

Q The others would have been incapable of doing it?

A They could have taken a lighter -

Q Would they have been unable to have done the work?

A That that tractor did, yes.

Q I notice here the date seems to be the 5th of August, 1927, on page 103 of the minute book which is marked exhibit 14. (Reading). Is that correct?

A Yes.

Q And that was carried?

A Yes.

Q And from whom did council obtain the information that there was no other suitable tractor available?

A I suppose from me.

Q So that we are safe in saying that council engaged your tractor solely upon your representations?

A Yes.

Q And then you say it was put in the name of Walter Allen. Why did you put your time sheet in in the name of Walter Allen?

A Because I could not swear how long the tractor had worked.

Q Is that the reason?

A Yes.

Q It has been suggested to me that one other councillor at least told you that you were very foolish to do it and advised you to put it in your own name and let the matter be disclosed that it was earned. Is that correct?

A I think it is but how could I put in that the tractor was mine?

Q Just answer the question?

A Yes.

Q Who was that councillor?

A Mr.Howatt.

Q He told you he thought you had much better put it in your own name?

A Yes.

Q And notwithstanding that, you continued it on in Walter Allen's name?

A Yes.

Q Is he any relation of yours?

A No.

Q When this Walter Allen time sheet came up did council understand whose tractor it was?

A Yes.

Q And the account was passed?

A Yes.

Q THE COMMISSIONER: How much was the account altogether?

A I could not say.

Q MR. PARLEE: When was it paid. Last year? It would be in 1937?

A Yes.

Q THE COMMISSIONER: And this was made in your own Division?

A Yes.

Q MR. PARLEE: Now is there anything else that you have to say of your own know edge or information respecting any irregularities in regard to benefits to members, saving the question of the tractor?

A No.

Q The misuse of the municipal office for debt collection purposes. Have you any knowledge of that?

A Jim McDonald gave me an order for $10 that he owed me.

Q Where does he live?

A A mile west of my place.

Q Any other name?

A No.

Q He is known as Jim McDonald?

A Yes.

Q He gave you an order for $10 in respect of what - something he owed you?

A Yes.

Q On the district?

A Yes.

Q Was it money due him?

A No. Another man gave him the order.

Q Who was the man who gave him the order?

A Mr.Fred Wilkins.

Q He has money due from the district?

A Yes.

Q And he gives Mr.McDonald an order for $10 and that was transfer to you?

A Yes.

Q And did you receive it?

A Yes.

Q And were the taxes of Mr.McDonald or Wilkins paid before you were paid?

A Mr.Wilkins' were paid.

Q Is that all you have to say about the misuse of the municipal office for debt collection purposes?

A Yes.

Q MR. BRYAN: That is not misuse.

MR. PARLEE: (Reading clause "i" of Exhibit 1).

Now this refers to the office of secretary treasurer as performed by Mr.Pidgeon?

A Yes.

Q Have you any observations or criticisms to make?

A No.

Q Are you satisfied with the performance of the office of Secretary treasurer?

A Yes.

Q You have no complaints?

A No I have no complaints to make.

Q You are satisfied?

A Yes.

(Reading clause "J" of Exhibit 1). Did you have an election?

A No.

Q Have you any knowledge of any irregularities in connection with the elections of February 1931?

A No.

(Reading clause "k" of Exhibit 1). Do you know of any?

A No.

Q Have you any complaints or grievances or charges to make respecting the transaction of the business or affairs of this district?

A No.

Q Mr.Kreye, do you know George Claussen?

A Yes.

Q Is he a foreman out there?

A Well he has been at times.

Q And that is in your Division?

A Yes.

Q Do you know that he received monies belonging to other people from the district?

A No.

Q Do you know that he received monies belonging to one Soucie. Did you ever hear of this?

A Yes I heard of it.

Q You know there were monies due to one Soucie?

A Yes.

Q And Claussen came in and obtained from the secretary treasurer the monies due to Soucie. Did you know of it?

A Just a few days ago.

Q When did you hear of it?

A I could not just swear to the date.

Q Why didn't you mention that to us?

A I never thought of it.

Q Have you any knowledge of it personally?

A No personal knowledge.

Q When did you first hear of it?

A Three or four days ago.

Q Is that the first information you obtained, last week?

A Yes, last week.

Q That is the first information you have received of it?

A Yes.

Q What was the amount - do you know?

A No I could not just say the amount. I think it is around $30.00.

Q However all the knowledge is what you obtained very recently?

A Yes.

THE COMMISSIONER: Who did you hear about it from?

A From the secretary.

Q What did he tell you about it?

A Mrs.Pidgeon told me one day when I was in that George Claussen had crossed out this man's name and put on his own.

Q In one instance or two instances?

A Well that is just the way she put it

Q When was it she told you this?

A I think about a week ago.

Q Are you quite clear you never heard of it before?

A No I never did.

Q Have you given us all the information you know of the Claussen and Soucie matter?

A Yes.

Q Have you endorsed or become security or under any obligation to satisfy the debts of the Secretary Treasurer?

A Yes.

Q You might tell the Commissioner of your connection with that.

A I could not give the dates. I signed a note for Mr.Pidgeon in April I think in 1930.

Q That is, you went surety for him?

A Yes.

Q For how much money?

A $400.00.

Q Do you know to whom the money was going or did you make any inquiries?

A Mr. Walton.

Q And you did this at Mr. Pidgeon's request, I presume?

A He asked me if I would back his note for him and I told him I certainly would.

Q And you did?

A Yes.

Q And has it been paid?

A Yes.

Q Fully?

A As near as I know.

Q Where is the note now?

A I think he told me he had the note.

Q And did Walton press you for it?

A Yes.

Q For what period was the note given?

A Well I could not say, perhaps four months.

Q Was it paid at the end of four months?

A No.

Q And were you pressed by Walton to pay?

A Yes.

Q Seriously?

A No.

Q And did you pay anything yourself on it?

A No, sir.

Q Did you in turn press Pidgeon to pay the note?

A Yes.

Q Seriously?

A Yes.

Q What was your conversation with Pidgeon?

A I told him I would like to have the note paid.

Q Did you insist on it being paid?

A Yes.

Q How frequently?

A I think I asked him twice.

Q When, do you remember?

A No I could not say.

Q And do you know when the note was fully paid?

A I think in March or April of this year.

Q And were you insisting on it being paid this year?

A I insisted on it being paid because I had obligations of my own to meet and I felt it would not be right to ask anybody else to carry me if I was backing everybody else.

Q Had you gone surety or incurred any obligations for Mr.Pidgeon outside of that?

A Yes.

Q What else.

A I guaranteed.

Q Mr.Pidgeon went into the garage business some time ago, didn't he?

A Yes.

Q When?

A I could not just say.

Q Well what year?

A 1920.

Q And am I safe in saying now it is in bad shape?

A I could not say.

Q And when did you go on his guarantee?

A In 19[illegible].

Q Guaranteed to whom?

A To the General Motors.

Q What is the nature of the guarantee?

A Well I signed off about a year ago now.

Q What is the nature of the guarantee you entered into - as to his honesty or payment of money - which?

A His honesty, and payment of money.

Q What was the extent of your obligation?

A Well that was according to how many cars he would have on hand.

Q Have you a copy of that obligation?

A I think I have it, yes.

Q I think you had perhaps better produce it. Will you see to that?

MR. BRYAN: Yes.

THE COMMISSIONER: Was there any amount specified?

A There was no amount specified.

MR. PARLEE: Are you a well off man?

A No. I am a poor man.

Q Before going on this guarantee for the General Motors were you promised any remuneration therefor?

A No.

Q For going security for ~~Wren~~ Pidgeon have you received any benefit for it or were you promised anything?

A Not one cent.

Q Are you good friends with Pidgeon?

A Yes.

Q Intimate friends?

A I don't know about intimate friends, but we are good friends.

Q Well why would you go on with these two obligations?

A Because I think Mr.Pidgeon was a straight and upright man. Other men have helped me out and I would do the same.

Q And outside of those cases have you incurred any other obligations for Mr.Pidgeon?

A No,sir.

Q THE COMMISSIONER: Were you called upon to pay off the General Motors' guarantee?

A No,sir.

Q And you were released from this obligation last year?

A Yes.

Q Did you discuss how these obligations were to be discharged?

A Yes.

Q What was your discussion?

A That any time I felt I needed security for my own business I could drop them a letter and they would release me.

Q Did he indicate to you where the money was to come from to discharge these obligations?

A No.

Q Where did you think it was coming from?

A From his garage business.

Q When did he cease to be in the garage business?

A This Spring.

Q Before he paid the note off or afterwards?

A Afterwards.

MR. PARLEE: You know one Fred Wilkin?

A Yes.

Q He resides in your Division?

A Yes.

Q He claims that you garnisheed wages due to him from a Mrs. Almon when he was working for the municipality. Do you know what I refer to?

A Yes.

Q Will you tell me what you have to say about that?

A I handed it in to Mr.Bryan for collection.

Q It would be money really due to Mrs.Almon was it?

A I could not say whether it was due to her.

Q The allegation is that Mr.Wilkin would be working for Mrs.Almon and she would be entitled to the money and that Mr.Fry was paid rather than that the municipality retain monies due from Mrs. Almon for taxes.

MR. BRYAN: I had this account for collection against Mr.Wilkins and I learned he had been working on the road and I just issued a Garnishee Summons against the municipality and the money was paid into Court by the District. As far as the district was concerned I do not think they knew anything about Mrs.Almon at all or about it being her man and they paid it over under Wilkin's name and it was not until some time afterwards I heard she had any claim whatever and I advised her if she had any claim to put it into the clerk of the Court.

Q MR. PARLEE: The point would be if the money was due to Mrs.Almon the duty of the secretary treasurer is first to retain any money due from that person, for taxes?

A Yes.

Q Do you know anything about this?

A No.

Q And if Mrs.Almon's taxes were not paid do you mean to say you are not a party to it?

A No.

Q And did you use your influence with the Secretary treasurer?

A No.

Q And as far as you are concerned it is perfectly honest and proper?

A Yes.

THE COMMISSIONER: Did you know it was Mrs.Almon's money?

A No.

Q Is she a tax payer?

A Yes.

MR. PARLEE: Is Wilkins a tax payer?

A Yes.

THE COMMISSIONER: And resides in your district?

A Yes.

Q Did Wilkin ask you to work on the market road. Did you have any conversation with Wilkin?

A I told him to see the foreman and I gave the foreman the amount of money on the market road and told him to hire anybody that wanted a job on the road and to give them all an equal chance.

Q Nothing improper in connection with Wilkin to your knowledge?

A No.

Q It is stated to me that some little time before the 1930 election you told Mrs.Ellen Fryer that if she came and voted for you that you would arrange for her taxes in some way?

A I certainly did not.

Q Did you make any promises to her if she voted for you?

A No.

Q Do you know Donald McDonald?

A No.

Q Did you talk to Ellen Fryer prior to the elections in the

presence of Mr.Donald McDonald?

A Yes.

Q And what have you to say if he states that you promised her certain benefits if she voted for you?

A I would say the statement is not correct.

Q Any foundation in fact for any such statement?

A No.

THE COMMISSIONER: Did you discuss the question of her voting for you?

A Yes.

MR. PARLEE: What did you say to her?

A I said if she felt like it I would like to have her support for the election.

Q Any promises?

A No.

Q Any encouragement?

A No.

Q Or inducement?

A No.

THE COMMISSIONER: Did you discuss any reward?

A No.

Q Did you lead her to hope for a reward?

A No.

Q I had better say that anybody who gives any evidence before this Commission which is not true is liable for prosecution for committing perjury. The evidence given here is just the same as that given in the High Court in this Province. I just want to give everybody a chance now and be very sure of your answers. Now evidently Mr.Parlee will call two

witness to contradict you. Did you have any discussion of any nature about road work?

A No.

Q Or getting any work done near her place or anything?

A No.

Q How did you happen to be where she was that day?

A It was in the evening. I went over there and asked her if she felt like it I would like to have her come out to the election.

Q You were just canvassing for the election?

A Yes and I would like to have her support me.

Q And were any of the problems of the Municipality discussed between you such as road work or anything like that. Those are things that are generally talked about at election times in rural municipalities? Did you and Mrs.Fryer talk about road work. Just tell us everything that took place. Every councillor is always confronted with the question of better roads. You had some discussion about roads did you?

A I don't think I did.

MR. PARLEE: Do you have any recollection of promising her or assuring her of any benefits?

A No.

Q Or did you hold out any inducement to her to vote for you?

A No.

Q Do you know William Schultz?

A Yes.

Q Did you give him any promise or inducement to vote for you?

A No.

Q Did you ask him to vote for you?

A I most likely asked for support if he thought I was worth it.

Q And did you hold out any promises?

A No.

Q Or inducement?

A No.

Q Do you know Carl Groskoph?

A Yes.

Q Did he haul any timber in your district?

A Yes.

Q For what purpose?

A Culverts.

Q Bridges?

A Yes.

Q About 2000 feet?

A Yes I think somewhere around there.

Q And was that subsequently hauled to your place?

A No.

Q Was it ever at your place?

A No.

Q The allegation is that some of this timber was used for you and your benefit?

A Yes.

Q What is the story about that. What did you hear about it?

A I heard from the Department that I was supposed to have taken 2000 feet of lumber off the road that belonged to the Municipality.

Q What have you to say about the truth of that?

A I certainly did not take it.

Q Was it used on your own property?

A No.

Q What is the foundation for that story. Do you know?

A No I don't know.

Q You don't know of any foundation for the story at all?

A No.

Q THE COMMISSIONER: Do you know about the timber getting there?

A Where?

A On the road of the Municipality?

A Yes.

Q You saw it there?

A Yes.

Q What became of it?

A They used it for culverts.

Q What kind of timber was it?

A Black Poplar.

Q Sawn timber?

A Yes, three inch.

Q And how many culverts did they put in?

A I could not say.

Q Well where were the culverts? Surely you know those things. Just tell us how many culverts they put in with that timber and where.

(No answer).

Q Tell us of one culvert they put in with that timber.

(No answer).

Q You saw the timber in the municipality in your district?

A Yes.

Q In what section. On what road?

(No answer).

Q When was this - 1930?

A No, it must have been 1928 or 1929.

Q Tell us where you saw it. 2000 feet of lumber is quite a pile, you know?

A Well it was scattered out.

Q How many culverts were put in with that timber, and give us the location of each culvert and the quantity of timber used in each one. Where was the first culvert put in with that 2000 feet of timber and how much timber did you use for it?

(No answer).

Q I do not want to harass you or confuse you but I want this information.

MR. BRYAN: The road boss is the man who takes all this material when he needs it.

THE COMMISSIONER: Have you any personal knowledge yourself of any one single foot of this 2000 feet of lumber having been put in any culvert in your district. Can you swear to that - that you saw any of this timber being put into any culvert in your district?

A No.

Q So that you saw the timber there?

A Yes.

Q And outside of seeing it there you don't know whether it went into culverts?

A No.

Q Might it have gone to your place without you knowing it?

A No, sir.

Q If it went to your place you would know it?

A Yes.

MR. FORTIN: You know it has been rumored around for some time

that you got some of this timber?

A Yes.

Q When did you first hear of it?

A From the Department.

Q When was that?

A February.

Q And is there any truth in it whatsoever?

A No.

Q Have you received any benefits or advantages of this timber?

A No.

Q Was it ever on your property?

A No.

Q Didn't you tell me something when I was with you on the fifth about a Mr.Clarke?

A Yes I put on two of my own teams.

Q Were you ever paid?

A No.

Q Anything in the story about giving Goertz a bottle of whiskey?

A No,sir.

Q Do you know of that story?

A Yes.

Q What was it?

A No truth in it.

Q Well what was it?

A I was supposed to give him a bottle of whiskey.

Q What for?

A I don't know what for.

Q You know there have been difficulties in your district about this man being Secretary Treasurer?

A Yes.

Q And Goertz was supporting Howatt and Francey for his dismissal?

A Yes.

Q And it is alleged that you in some way influenced Goertz. That is the story?

A Yes.

Q Goertz for some time supported Howatt and Francy?

A Yes.

Q And then he changed over?

A Yes.

Q Did you in any way directly or indirectly persuade him to change over?

A No.

Q Did you give him a bottle of whiskey to change?

A No.

Q And you never induced him?

A No.

Q Did you at one time call for Goertz to bring him to the Council Meeting?

A Yes.

Q And Howatt called for him also, but you were ahead?

A Yes.

Q Such was the?

A That was in March 1930.

Q And the vote was coming up that night?

A Well sometimes we have it the first meeting.

Q That was about the retention of the Secretary Treasurer?

A Yes.

Q Was it your custom to call for Goertz?

A No.

Q Why did you call for him this evening?

A I wanted to have a talk with him about a big machine.

Q Nothing to do about the secretary treasurer?

A No.

Q Anything to do about powder and Walter Graydon. You heard he is said to have used municipal powder for himself?

A I saw him in town on Wednesday and he said when that came up he would be here to speak about it.

Q Did you know anything about it?

A No.

Q Did you know anything about giving money to Mr.Olson in Mr. Akins Division?

A Yes.

Q What did you hear?

A I heard he got $400 for a road allowance.

Q Did he receive it?

A No.

Q How much did he receive?

A As near as I could make out $200.00.

Q That was paid to Olson for the expropriation of his land?

A Yes.

Q Was it passed by council?

A Yes.

Q Was it a proper amount?

A Yes I think so.

Q And Olson is a brother-in-law of Akins?

A I think so.

THE COMMISSIONER: He gave you the title without going through the formality of expropriation proceedings?

A Yes.

Q How much land did you get?

A I think it would be a little over four acres.

Q And did it go through his land?

A Yes.

Q And what is land in that district worth an acre?

A I could not say what it is worth. I think he sold his land for $30 an acre.

Q And I suppose you thought it was a matter of good business to give him $200 instead of having expropriation proceedings or litigation?

A That was in settlement of all damages and cutting it up and everything.

Q MR. PARLEE: Who was the Weed Inspector prior to the election of 1930 in your division?

A Mr.Prussia.

Q You were at the office of Mr.English this spring. You all met there?

A Yes.

Q And matters were coming to a head then?

A Yes.

Q There had been a feeling of unsettlement and distrust?

A Yes.

Q And did Mr.English suggest that you all resign and have a new election?

A I think he asked how many was willing to resign.

Q That is the way he put it?

A I think so.

Q And what was your attitude?

A I told him I did not see that I had anything to resign for,

myself.

Q You did not want to resign?

A No.

Q You saw no necessity for it?

A No.

Q You know there was difficulty and dissatisfaction over the elections of this year in the divisions in which the election was held, in number 1 principally?

A Yes.

Q And did you know that the Department had instructed the secretary treasurer not to destroy the ballots?

A Not till after they were destroyed.

Q Did you know they were being destroyed?

A No.

Q And you were no party to it?

A No.

MR. BRYAN: With regard to this case of your tractor. Do you remember how the vote went. Who was for it and who against it?

A All in favor but myself.

Q You voted against the motion?

A Yes.

Q THE COMMISSIONER: Did you offer the municipality your tractor and then vote against it?

A We talked it over and they said:"Why not hire it" and I said I would like to try it for an experiment and I did not like the idea of putting my tractor on.

Q MR. BRYAN: Was this matter ever discussed at any other time. Did the Department ever check it up or anything?

A Yes I think Mr.English and I discussed it one day.

Q And what was the outcome of that?

A Well I could not just say.

Q In any event it was drawn to the attention of the department?

A Yes.

Q And Mr.English spoke to you about it at the time?

A Yes.

Q And you say they used your tractor because there was no other one could do the work?

A Yes.

Q And you were having the experiment to see what a big tractor would do on the road?

A Yes.

Q Now with regard to this order of McDonalds. Did you get that order for $10.00 from Mr.McDonald?

A No.

Q How did it come?

A He gave it to Mr.Pidgeon and afterwards told me about it.

Q You never asked him for the order?

A No,sir, I never asked him about it.

Q With regard to this supplying of timber for culverts. What is the general practice with regard to that? Who asks for the timbers?

A The councillor generally makes the deal with the man and asks the foreman to check it up when he comes in. That is the way I did.

Q How do you know how much timber you will need?

A The foreman informs me if he needs so much.

Q And you make a deal for it?

A Yes.

Q And the foreman is supposed to check it up?

A Yes.

Q What do you get from the foreman with regard to the use of that timber?

A Do not get anything at all.

Q You only take his word that he has put it in the different places?

A Yes.

Q And you never check up as to the exact use?

A Well when the work is completed and I go over the work I will make a rough check of it.

Q And I suppose that is about the way you do with the powder is it?

A Yes.

Q Now with regard to these notes you signed. Were you on this guarantee very long?

A No.

Q And you wrote the company, did you?

A Yes, sent them a registered letter.

Q And told them you did not care to be on the guarantee?

A Yes.

Q And during the time you were on this guarantee was there any time any discussion came up in the council about Mr.Pidgeon?

A I don't remember.

Q But in any event you went on the guarantee out of the goodness of your heart and discovered afterwards you did not want to be on it?

A Well I had obligations of my own and I needed my own stuff to meet it.

Q And there was no demand made on you whatsoever?

A No.

Q With regard to this tractor; $2.50 an hour. Do you know who the cheque was made out to ?

A Walter Allen.

Q He was the one who did the work?

A Yes.

Q And is that the reason it was in his name?

A Yes.

Q Were you down there watching him?

A I was just to watch him.

Q But you were not down there to check up on the actual hours?

A No.

Q Was there a foreman on that job?

A Allen was foreman or Forsythe. He was working there.

Q It was one or the other.

Q And the cheque went to Allen?

A Yes.

Q And he paid you for the use of the tractor?

A Yes.

MR. PARLEE: You know Mr.Donald McDonald?

A Yes.

Q Was he pound keeper at one time?

A Yes.

Q And was he dismissed?

A Yes.

Q Why?

A Because there was an animal in the pound and I heard the man redeemed the animal and he sent in to the pound keeper and I

thought we should have heard from him when he redeemed the animal.

Q. When was McDonald dismissed?

A. About six weeks ago I think.

Q. That would be some time in July or towards the end of June?

A. Yes.

Q. And is he supporter of yours?

A. He was.

Q. Did he vote for you in 1930?

A. I could not swear to that. He certainly talked in favor of me.

Q. Well do you think he voted for you in 1930?

A. Well I could not say as to that.

Q. He was dismissed in June of this year anyway?

A. Yes.

Q. And your reason was in connection with his management of the pound?

A. In connection with this animal.

Q. THE COMMISSIONER: There was an animal in the pound there?

A. Yes and they sold it at a sale and I heard a man redeemed it.

Q. You heard a man redeemed it.

A. Yes, he owned the animal in the first place.

MR. PARLEE: That he had redeemed it before it was sold?

A. No afterwards.

Q. What did McDonald do that was wrong?

A. I think he should have made a report of how the animal was redeemed.

THE COMMISSIONER: It was not redeemed in his hands?

A. He sold it according to the Act.

Q. What did he have to do with it after he sold it according to

the Act?

A The animal was redeemed again?

Q How was it redeemed if it was sold under the Act?

A There are thirty days.

Q But that was from the buyer.

man who bought it and give him his money and take his animal?

A With the full expenses.

Q And did McDonald do that?

A I don't know.

Q And you don't know whether he did right or wrong?

A No.

Q MR. PARLEE: Why was he dismissed then?

A Because I thought it was up to him to report it.

Q You don't know whether he fulfilled his duties or whether he did not?

A Not according to that but I thought he was the man who had to report it.

Q You don't know whether he did or not. You went to the secretary treasurer before you dismissed him?

A Yes and asked if he had a report.

Q And you did not go to McDonald?

A No.

Q Or make any other enquiries?

A No.

Q And you did not know whether he did right or wrong?

A Not according to that.

THE COMMISSIONER: I understand he would sell that animal at the pound and then make a report to the secretary treasurer with the money he had received?

A Yes, he did that.

Q MR. PARLEE: And what complaint have you?

A Well I thought he should have made a report.

Q The animal is in the pound and sold with a proper report made to the Secretary?

A Yes.

Q And all you heard was you heard the animal was redeemed?

A Yes from one of the councillors.

Q THE COMMISSIONER: You need not waste any more time. If that is the reason he dismissed Donald McDonald as pound keeper he was absolutely wrong. I am not going to waste any more time with that.

Q MR. PARLEE: Did you make the motion to council dismissing him?

A Yes.

Q The district has purchased from time to time in the last few years certain machinery?

A Yes.

Q And you have had demonstrations?

A Yes.

Q And you are solicited by salesmen?

A Yes.

Q Have you at any time received directly or indirectly any commissi or any promise of them in connection with the acquisition of machinery?

A No.

Q Do you know of them or have you heard that any other councillor has been promised he would receive any commission or remuneratic or benefit in connection with the purchase or acquisition of machinery for the district?

A No.

Q Did you ever hear any such charges?

A No.

THE COMMISSIONER: Do you know anything about the history of this friction out here and why we are here today. Is the community out here divided into two camps?

A It must be.

Q What was the cause of the division?

A Well I could not tell you that.

Q Do you know how long this friction has been going on?

A It has been going on for seven or eight years.

Q And do you know the reason?

A Well I could not say that.

Q Of course we do not expect much harmony at elections. But you have not complete harmony in that council have you?

A No not altogether.

Q What is the bone of contention there?

A Mine is trying to get along with the other councillors to try and all work together.

Q Well can you explain how all this would gather head and then result in a judicial inquiry?

A No I could not.

Q Do you think that anybody is endeavoring to prefer groundless charges against you or any other councillor or the secretary treasurer?

A That is hard to say.

Q Have you any reason to suspect that malice or spite is at the bottom of the whole situation?

A I have reason to suspect it but I cannot prove it.

[illegible]: That this has been going on for four or five

Q Well why would that malice arise?

A That is just it, you see.

Q You know of no facts that would support it?

A No.

MR. PARLEE: What is the cause of this dissatisfaction out here. Does it revolve around the secretary treasurer more or less?

A I could not just say it does, but in one way I suppose it does.

THE COMMISSIONER: Could you tell Mr.Parlee anything else it revolves around. It seems to me that is what it centres around all day today. Have you any other thing to suggest?

A No.

Q The high lights of the whole day's proceedings has been in explaining how the secretary treasurer and his wife divided up the office and avoided paying his creditors?

MR. BRYAN: Isn't it a fact that this district is split politically?

A Yes.

Q It is one group against the other?

A Yes.

Q It is, in other words, the Liberal Group against the U.F.A.?

MR. PARLEE: Now I hesitate very much for that question to be asked or answered. I think that is a highly improper question for a reputable and responsible solicitor to ask.

THE COMMISSIONER: We are dealing with local issues.

MR. BRYAN: But the big issues are the basis of the local issues. There is no use beating about the bush in this matter. Mr.McDonald and the other gentleman were the ones who tried to run, and you will see the cleavage all through the whole thing. You can see it right through.

THE COMMISSIONER: But this has been going on for four or five

years.

MR. PARLEE: But I think that is an improper question and an improper matter to consider.

MR. DUNCAN: If that is the trouble My Lord I think it should be discussed.

MR. PARLEE: That surely cannot be. If these charges are supported then the fact whether they are Methodists or Presbyterians or whatever they are, has no difference. The question is are those charges or any allegations or complaints well founded or not.

MR. BRYAN: That is quite true. But his Lordship was asking what is the basis of the whole thing. And if there is a basis that is the basis.

THE COMMISSIONER: I am not interested in the U.F.A. or Labor group or Liberals or Conservatives. I am dealing simply with a Municipal Council and I wish to know so far as the actions in connection with the administration of the affairs through that Council - how that is concerned. I am not going into the Federal or Provincial fields.

MR. PARLEE: Mr.Kreye, have you anything further to add?

A No.

been [illegible]

[illegible]

Q And you are [illegible]

throughout

Roll there [illegible]

And it was [illegible]

Yes.

GEORGE AKINS called and sworn, examined by Mr. Parlee, testified as follows:

Q You are councillor for District Number 3?

A Yes.

Q And how long have you been councillor?

A Since 1928.

Q And you had an election in 1928 and one in 1930?

A Yes.

Q And then your Division was vacant?

A We had no election last year.

Q You had no election this year?

A No.

Q You had an election in 1928 and 1930 and none this year?

A No.

Q How long have you lived here?

A Thirtytwo years.

Q And you are a farmer?

A Yes. Of course I have been away some of that time. I have not been in continuous residence for thirtytwo years. I was away ten years or something like that.

Q And you are aware there is a considerable amount of dissatisfactio throughout the district. That is a fact?

A Well there is some.

Q And it has gained headway in the last two or three years?

A Yes.

Q And complaints have from time to time been made to the Department of Municipal Affairs?

A Yes.

Q And there is a great deal of discontent at the present time and has been for the last few months?

A Yes seems to be.

Q A great deal of suspicion. Is that not right?

A Yes I think so.

Q And as a result we have this Inquiry before the Commissioner here.

Q Have you read over the various items of the Inquiry?

A No but I heard you read them the other day.

Q You have seen them published?

A Yes.

Q And I suppose the matter has received your consideration?

A Yes.

Q I will read you A (Reading Clause "A" of Exhibit 1).

Now will you frankly tell me if you know of any such monies?

A No.

Q Have you any knowledge that would lead to ascertain whether any such monies were so misappropriated?

A No.

Q Have you heard any well founded rumors of monies being misappropriated?

A No not well founded.

Q Concerning what division?

A Chiefly in Mr.McKinley's division.

Q Anything in your own division?

A No.

Q Largely in Mr.McKinely's division?

A Yes.

Q And nothing you can pin down

A No.

Q (Reading Clause "B8 of Exhibit 1).

Do you know of your own knowledge of any such work?

A No,sir, I do not.

Q Have you any knowledge or information that would lead to the ascertaining of any such work being done and charged to the Municipal District?

A No.

Q Have you heard rumors to that effect?

A Only what I have heard since the investigation started.

Q That is during the last ten days or two weeks?

A Within the last five or six days.

Q (Reading Clause "C" of Exhibit 1).

Do you know of any irregularities in connection with time sheets?

A No.

Q Have you any knowledge or information that would lead to the ascertaining of any time sheets?

A No, nothing only what I have heard since the investigation. I know nothing definitely, only hearsay.

Q And you know of no well founded rumor?

A No.

Q (Reading Clause "D" of Exhibit 1). Do you know of any such non-accounting?

A No.

Q Have you any information or knowledge that would lead to the ascertaining whether there was any such non-accounting?

A No.

Q (Reading Clause "E" of Exhibit 1). Have you any such knowledge?

A I have not.

Q Have you any knowledge or information that would lead to the acquisition of any such knowledge?

A No I have not.

Q Have you yourself ever received any promise or inducement or were you approached to vote in a specific way for the purchase of machinery or the acquisition of equipment for the district?

A No.

Q Do you know of any other councillor that has been so approached?

A No.

Q (Reading Clause "F" of Exhibit 1). We may assume it has been the custom here that instead of the farmer going his employee would go and the farmer get the money?

A Yes, sir.

Q Do you know of any irregularities in connection with such a case?

A No.

Q What have you to say about that tractor of Mr.Kreyes that was used?

A I knew nothing about it. That was before I was on the council.

Q It was paid for before you were on the council?

A As far as I know.

Q You have no knowledge of that tractor?

A No more than I heard him speak of it in the council.

Q Since -

A Oh within the last month or so.

Q (Reading clause "H" of Exhibit 1). Misuse of the Municipal funds. Do you know of any misuse?

A No, sir.

Q Have you used it yourself?

A No I have not.

Q (Reading clause "i" of Exhibit 1). That of course applies only to Mr.and Mrs.Pidgeon?

A Yes.

Q Have you any criticism or objection to the way and manner in which that office has been fulfilled since you were councillor?

A No,sir.

Q Do you consider that the office of Secretary Treasurer has been satisfactorily performed?

A I do.

Q Apparently, Mr.Akins, the council is at the present divided four to two on the retention of the secretary treasurer?

A Yes;

Q And that has been so for some time?

A Well I would not say how long, but a year and a half.

Q And the two who have been in favor of his discharge were Mr. Howatt and Mr.Francey?

A Yes.

Q Did they ever express any reasons why they thought he ought to be discharged?

A Well I cannot think of anything definite.

Q General incompetence?

A That is the only thing I have ever heard as far as I know.

Q They did believe he was unsatisfactory?

A I do not believe I have heard Mr.Howatt say that but I have heard Mr.Francey say it.

Q At one time Mr.Goertz supported them in their criticism of the secretary treasurer. Has that been since your time?

A Yes.

Q Do you know of any reason why Goertz later switched his support

A I do not.

Q I suppose you observed he did?

A Naturally.

Q And did you make any enquiries as to why he had changed?

A No, it did not concern me and I did not ask him.

Q THE COMMISSIONER: Did Goertz tell you why he introduced the motion?

A Yes he said he wanted to get the feeling of the council as to whether the secretary should be retained or not.

MR. PARLUN: And you will observe he votes for his discharge?

A Yes.

Q Was there any discussion whenthat motion was being put?

A I don't think there was any discussion.

Q And did Goertz give no reason as to why he had made the motion or anything to support it?

A The only thing he said was that he had heard the secretary was incompetent and he wanted to see how the council felt about it.

Q Leading up to the making of that motion. Was there a considerable amount of agitation and dissatisfaction. Why would Mr.Goertz say: "Let us bring it to a head," why?

A I don't know. I suppose he had been discussing it with some of the other councillors. I do not know.

Q Had he discussed it with you?

A No.

Q And he gave you no reason why?

A No.

Q And when the motion was before council was there any discussion?

A No not that I recollect.

Q Have you anything further to add about the secretary treasurership?

A No.

Q You know that his salary was increased to $1700 per year?

A Yes.

Q And later on it was divided, $900 to himself and $800 to Mrs. Pidgeon and Mrs.Pidgeon as his assistant?

A Yes.

Q Why?

A So it would give Mrs.Pidgeon an interest in the business and she would have a right to be there and a right to handle documents and could not be questioned.

Q You have heard some intimation here it was done so that Pidgeon's creditors could not collect from him. You heard that?

A Yes.

Q Did you have any knowledge of that at the time?

A I had no knowledge of it then.

Q Was it explained to the meeting. Did you have any suspicion or intimation in your own mind that it was for an ulterior purpose that was divided?

A I might have suspected it seeing he failed, you know.

THE COMMISSIONER: Well did you suspect it?

A No.

MR. PARLEE: I just wonder about that. When you say you might have suspected it and did not suspect it?

A Well I say I could have suspected it.

Q But did you suspect it?

A No I no reasons to. I know he failed but of course we were always talking of appointing Mrs.Pidgeon assistant. Mr.English suggested it at one time.

THE COMMISSIONER: What is the merit in cutting a man's salary right in two and giving him an assistant? Do you think that is any advantage to Pidgeon?

A But it might be an advantage to the municipality.

Q MR. PARLEE: In which way?

A Well it gives her a right to be in the office and handle papers and affairs.

Q You could have made her assistant without that?

A Possibly we could.

Q You say your whole object was to give her an interest in the affairs of the district?

A Yes.

Q So that she could be present?

A Yes.

Q And no other motive?

A No.

Q Have you any other criticism or observation to make?

A No.

THE COMMISSIONER: What is your business?

A Farmer.

Q Do you know anything about the Garnishee law that a man has $900 exempt?

A Yes.

Q You knew that when you split that office up?

A I know it long before that.

Q And didn't it strike you peculiar that you were paying him something that could not be garnisheed?

A I did not think of it in that way.

Q How long afterwards did you find out that he was being exempt from garnishees - that his creditors could not get his salary?

A Well it was about seven or eight years ago I guess.

Q But didn't

A I don't know anything about his affairs.

Q You knew he had failed?

A I knew he had leased his garage. I heard he had failed.

Q And was being pressed by creditors?

A No I do not know he was being pressed by creditors.

Q And you thought it was a good time to cut his salary in two?

A As long as Mrs.Pidgeon was getting it.

MR. PARLEE: Before this motion was made to divide the salary and engage Mrs.Pidgeon as Assistant Secretary had you discussed the matter with any other councillor prior to the introduction of the motion?

Q What is that?

Q Did you prior to that motion being intruduced discuss the question of the division of the salary and the appointment of Mrs.Pidgeon as Assistant Secretary with any other councillor - or the substance of it?

A No I have no recollection.

Q When was the matter first brought to your attention?

A At the meeting when it was passed.

Q Who moved it?

A I could not say.

Q (Reading Clause "J" of Exhibit 1). Have you any knowledge of any irregularities?

A No.

Q When were you aware there was any objections to the elections of February 1951?

A I believe it was shortly before we were brought into the Departmen

Q That would be what month?

A I would not say. It would be in the early part of the spring,

possibly May.

Q What month was it you heard any claim of irregularities in the elections of this year?

A I would not say exactly but I would say it was some time in or around May.

Q It was after the ballots were destroyed?

A I do not know when the ballots were destroyed.

Q When did you know that the contents of the boxes were destroyed?

A About a month ago I think.

Q Did you have any knowledge that the Department had instructed the secretary to retain the contents?

A Yes I believe Mr.Pidgeon told me that he had had a letter, from Department but he said:"It is too late now, the ballots are destroyed."

Q The information you obtained was after they were destroyed?

A Yes.

Q And it was after they were destroyed that you obtained information that there were claims of irregularities in the election?

A Yes.

Q So that you have no information to give us?

A No none at all.

Q That is the current book of Minutes is it (produced)? Do you recognize it?

A Yes.

Current Minute Book marked Exhibit 15.

Q And of this I am showing you the minute, the second page of 65, of the meeting of July 7th,1931 (reading). Do you remember that motion?

A

A I do not remember it.

Q And the next one (reading). That is about salary?

A Yes I remember that.

Q That is your motion?

A Yes.

Q Why did you say that you knew nothing of it until the motion was made?

A I did not say that.

Q I thought you said that?

A I said till the meeting.

Q What actuated you in making that motion?

A Mr.Pidgeon wanted it divided that way so that Mrs.Pidgeon would have a real interest in the business and there would be no question whether she should be there or not.

Q Did he ask at that meeting or did he approach you before?

A No he asked at the meeting.

Q Right then and there?

A Yes.

Q Before the motion made by Mr.Kreye rescinding the motion of May 5th. At what stage did Pidgeon ask this?

A I do not just remember.

Q You know this is only July 7th,1931?

A Yes.

Q Can you enlighten the Commissioner at all upon why you made that motion?

A No only I thought it would be better that way.

Q It was a solicitation?

A Well Mr.Pidgeon asked me if it would be all right with him provided if the secretary had a salary divided so as to give his

$900 and Mrs.Pidgeon $800.00.

Q THE COMMISSIONER: Did he tell you why he wanted it that way?

A No.

Q MR. PARLEE: Did anybody else tell you?

A No.

Q He just asked for it and it was all right with you?

A Certainly.

Q THE COMMISSIONER: So then it really was not to give Mrs.Pidgeon an interest but just simply because Pidgeon asked you to do it you did it?

A No not at all.

Q Well tell us why?

A To give Mrs.Pidgeon an interest in the business so there would be no question about her being there.

Q When did Pidgeon ask you?

A He asked me that evening right there at the meeting. I could not say what time it was.

Q Had you talked it over with anybody about giving Mrs.Pidgeon an interest in the affairs?

A Yes, Mr.McKinley and I had been talking about it for a long time and Mr.McKinley said at different times:"We should appoint Mrs. Pidgeon assistant secretary."

Q And the next is that she be appointed as assistant secretary at a salary of $800. You remember that?

A Yes.

Q Did Mrs.Pidgeon request this?

A I believe she did say something but what it was I do not remember.

Q THE COMMISSIONER: Your oath is you had no knowledge whatever what the effect that would have on Pidgeon's creditors?

A Well I did not think about his creditors. If I had thought abou his creditors it might have made a difference.

Q Do you swear on your oath that at the time you made that resolution you had no knowledge or thought of the effect that would have upon Pidgeon's creditors reaching his salary? Do you swear that?

A Yes, sir.

MR. PARLEE: Have you any complaints or any knowledge of any other irregularities or improprieties in connection with the affairs of the administration of this district?

A No I have not.

Q Do you know one H.S.Woodman?

A I know of Woodman but I do not know his first name.

Q HAs he done work in your district at all?

A I do not think so.

Q What was his business?

A The Woodman I refer to is a farmer.

Q Did he have anything to do with this district at any time?

A Oh yes, a young fellow. I remember him.

Q What was his business?

A Well I do not think he had any business, just working around.

Q Do you know of certain machinery bought in this district and it does not show in the audit?

A No I do not.

Q It has never been charged against your Division as yet?

A I do not think it has been charged against my Division.

Q When was this equipment purchased?

A In 1928.

Q The equipment was bought some time in the Fall of 1928?

A Somewhere in the summer or Fall,yes.

Q And it appeared in the audit for that year?

A Well I am not prepared to say. I do not know.

Q You do not know?

A I do not know.

Q Do you know the matter to which I refer?

A Yes, a grader.

Q What was the price of it?

A $1100 I believe or $1200. I believe it was $1200 something.

Q This grader was purchased from the Richardson Road Machinery Company and there is a balance of $1060 in the Fall of 1928?

A I believe it was more than that.

Q Anyway there was $150.00 paid?

A Yes.

Q That was the cash payment. There was substantial amount of $1000 still unpaid?

A Yes.

Q And notes were given for it I suppose?

A Yes.

Q In the Fall of 1928. And was that shown in the audit of that year?

A I naturally took it for granted it was.

Q It should have been shown there. It is an outstanding liability?

A Yes.

Q If it were omitted were you a party to it?

A No,sir.

Q There could be no manner of doubt that that liability ought to have been shown?

A Yes.

Q The order would be shown as an asset and the notes shown as a liability?

A Yes.

Q And were you a party at any time to it not so appearing?

A No,sir, absolutely not.

Q Have you any knowledge of the suggestion I am making to you that it did not appear in the audit for 1928?

A No.

Q Do you remember the election of Mr.Ibsen?

A Yes.

Q When was the election of Mr.Ibsen?

A 1930.

Q Did you ever ask for a rebate on your taxes?

A No.

Q Or discount on any of your taxes?

A Never did.

Q Did your wife. Did you ask for a remission or rebate?

A I do not get you.

Q I think you do.

A Well I asked for a cut in the assessed value.

Q Why?

A Because it was assessed too high.

Q Did you ask for any rebate or cut in the taxes?

A Yes I did ask for a cut in the taxes.

THE COMMISSIONER: Your property was assessed?

A Yes.

Q Did you appeal your assessment?

A No.

Q Then they struck a mill rate and levied the tax. Did you ask for

a discount in that tax?

A Well I asked.

Q Did you ask for the discount and then you can tell us why, afterwards?

A Yes I believe I did. I asked on the quarter that I bought.

MR. PARLEE: Did you ask for a discount, a cut or a rebate on your taxes?

A I asked for a cut on the taxes on one quarter, the one I bought at a tax sale.

Q You bought it at a tax sale?

A My wife bought it.

Q And you did not want to pay what you bid?

A Yes I paid what I bid right there. I thought -

Q You went to a tax sale and bought a quarter section of land?

A My wife did.

Q It was sold for the taxes which were against it?

A No it did not bring half the taxes that were against it.

Q Did you pay what you did?

A No,sir.

Q Did your wife?

A Yes.

Q And what discount did you ask?

A At the value of the land - what it was previously valued at.

Q That was a reduction in the assessment for next year?

A And I thought I should have a reduction on the taxes to correspond with our new valuation on the land.

Q On what taxes?

A There was $800. Well the taxes was around $24 or $25 of a municipal tax on the land, approximately, and -

Q Did you become liable to the Municipality for $800 for taxes?

A Yes and I only paid $100 for the land and I still had to pay the taxes for $800 which I did not think was just.

Q You owed $800 taxes and you went to the council and wanted a discount?

A Yes.

Q How much did you want them to take?

A I thought I should get it at the same price we set the value of the land at.

Q How much did you want to give the council to settle that $800 claim?

A I did not make any offer.

Q You did want a rebate didn't you?

A Yes I was entitled to one when the land was not worth but $100.

Q Did they give it to you?

A No, unfortunately.

Q Did you get any support in council?

A No I did not. They made me pay the $800.

Q Wasn't it explained to you that council had no authority to do what you requested?

A No but I did not know that because there was no previous owner to object to the assessment.

Q Did you go to the Mewassin School District and obtain this concession you asked for?

A No.

Q Did you apply to obtain any concession from the Mewassin School District on this particular quarter?

A No, but my wife did.

Q And did she get it?

A No.

Q Did you and she tell the Chairman of the School Board or the secretary or any other official of the school district that you had obtained this concession from the Municipality of Inga?

A The value of the land, yes.

Q Would not it be well to tell us the whole story.

A Well that is the whole story.

Q Well I don't understand it yet.

THE COMMISSIONER: He says he told them they adjusted the value of the land but he did not get a discount in the taxes; that is the assessment had been reduced from what it was in previous years?

A Yes, sir.

Inquiry adjourned till 10:00 a.m. Tuesday
August 11th, 1931.

Tuesday August 11th, 1931, Inquiry resumes
at 10:00 a.m.

GEORGE AKINS recalled.

Q MR.PARLEE: You remember last evening at the adjournment I was asking you about attempting to get some rebate or concession in regard to your taxes. Did you or your wife obtain any concession from the School District of Kewassin?

A Not to my knowledge. My wife may have asked for that.

Q Have you any knowledge of it?

A It seems to me she asked for the same as the Municipality.

Q Of course it would not take place until 1931.

Q You have given us all your knowledge in respect of that?

A Yes.

Q There was some question in 1930 when you ran as councillor for your district number 3, that you were not qualified. What were your qualifications?

THE COMMISSIONER: About this land in your wife's name. Was that land purchased at a tax sale?

A Yes.

Q Why didn't you buy it yourself?

A I thought it might affect my position on the council.

Q So your wife purchased it. Where did she get the money to pay for it.

A She borrowed it from me.

Q Who has carried on the dealings in regard to this land and the negotiations - you?

A Well -

Q Did your wife negotiate. The situation is that you were a councillor and this land was put up for sale at a tax sale

but you could not buy it as a councillor and you got your wife to buy it. You knew you could not buy it and you used your wife's name. Is not that the situation?

A Well it was adjoining her land.

Q Your wife had no money to buy it?

A Yes.

Q Well why did you lend her the money?

A She had the money elsewhere.

Q MR. PARLEE: What were your qualifications?

A Well I was living on land that I had owned.

Q You understand that the report is that you were not at the time of the elections the owner of any land in the district?

A I think I was because I had a homestead in addition to the land I was living on.

Q What land did you own?

A Northwest quarter of 26.

Q That was registered in your name?

A Well I filed on it.

Q And had you the patent?

A No I had not yet received the patent.

Q Was that your qualification?

A Well I think I was entitled even on the land I had sold, because I still had possession.

Q What land was that?

A Southwest 36 and the west half of 25.

Q And had you agreed to sell that prior to the elections or sold that?

A Yes.

Q The agreement had been signed, the agreement for sale. Then had

this land been sold?

A I could not say definitely.

Q I ask you to look it up.

MR. BRYAN: The 20th of December.

Q You knew the date, the 20th of December,1929?

A Yes.

Q And was the property registered in your name?

A Well I would not say. I had an agreement for sale.

Q How long had you lived on it?

A I think I bought the land in 1926.

Q And when did you go into possession?

A I was in possession as a renter before I purchased it.

Q And you remained in possession and were in possession at the time of the elections in 1930?

A Yes,sir.

Q Consequently you were not the registered owner of 25 and 36?

A No I was not the registered owner.

Q The agreement with your vendor was in good standing?

A Yes.

Q Now I want to give you an opportunity to make any explanation you wish in regard to this. It is alleged that in your Division you give a very large amount of the work to your relatives - Olsons and other Akins. What have you to say about that?

A I don't think I give any more than to some of the others.

Q Well what do you mean? What explanation have you of that?

A Last year one of my brothers got a good deal of work to fix up a new piece of road near his place which was on a very steep side hill.

Q Which brother was that?

A Edgar.

Q He has been paid something about $500 hasn't he. Edgar Akins was your brother and do you think you gave him more work than was reasonably coming to him?

A We gave it to him for this reason, that we could not get anyone else to do it. I tried to get the foreman to get other men and he could not do it and I had to prepare this road in order to get it ready for the big rig. I wanted to take the big rig down there and push it out. The bank kept caving.

Q Your brother in law is Oldf Olson?

A Yes.

Q He apparently has received a considerable sum of money?

A I do not think he has received a very big amount in road work.

Q And Gumbrandt Olson. Who is he?

A My father in law.

Q Have you anything further to say, because there will be evidence given here. Have you anything further you want to say before the Commissioner about payments to your relatives?

A No. There was no partiallity shown that I know of in regard to the relatives or anyone else. My instructions were to the foreman to treat everyone alike.

Q THE COMMISSIONER: I suppose the policy was to assist the tax payers and give them work to pay their taxes?

A Yes.

Q Did you give work to Edgar Akins and Oldf Olson and Gumbrandt Olson and allow them to pay their taxes and then have money over and above that and at the same time there were tax payers whose taxes were not paid?

A Well some would not do that part.

Q Did you pay your relations money over and above their taxes and at the same time t ere were tax payers whose taxes were not paid?

A There may have been some whose taxes were not paid in full but everybody has an opportunity to work on the roads.

Q Were there some whose taxes were not paid?

A Yes, some did not do any work at all.

Q Did you go to those tax payers and offer them an opportunity?

A My foreman is supposed to go to everyone.

Q Did you?

A No. We do not do that.

MR. PARLEE: Who was your foreman that year?

A Peter Miller.

Q And in 1929?

A It was Peter Miller.

Q And 1928?

A John Akins and Oldf Olson.

Q Was it 1928 you were elected?

A Yes.

Q Now let me enlarge upon the question by his Lordship. Were there persons who owed taxes to the Municipality who were willing to work and who were desirous of work who did not receive work from the municipality from your division?

A Not to my knowledge.

Q THE COMMISSIONER: Don't you think it would be good business for you to go over your tax roll and find out who owed taxes and go and see them and see if they would not do the road work rather than take the money of the other tax payers and pay your relations?

A Well it just happened -

Q Do you not think as a councillor it would have been good business on your part for the municipality for you to have gone over the tax roll and found out what tax payers had not paid their taxes and then to have asked them to work on the road and have these taxes paid that way rather than take the money of the other tax payers and pay your relations. Don't you think that would have been very good business?

A No I don't think so.

Q You do not think it would?

A No.

Q You think it is better business to have a lot of uncollected taxes in your district and use what money you do gather in to pay your relations for the road work?

A We have always done that.

Q But do you think as a councillor, do you under oath think that that is good business?

A No I don't. But they all had a chance as far as I know.

Q You think they all had a chance?

A I do, sir.

Q And you think everybody had an opportunity but they refused to work?

A That is my opinion. I believe they all had. I could not absolutel swear to it, but that is my instructions.

Q What do you base that belief on?

A On the word of my foreman.

Q The foreman told you that did he?

A Yes, that he gave everybody a chance to work.

Q And the reason they could not pay their taxes that way was becaus they would not work?

A Yes.

Q MR. PARLEE: What does your brother in law Olaf Olson do?

A He was a farmer but at the present time he is buying grain for the Searle Grain Company in Duffield?

Q He formerly lived in your division did he?

A Yes.

Q When did he leave?

A I think he moved to Duffield about a year ago; perhaps not quite that.

Q And when did he give up his farm?

A I can't say when the agreement went through but it seems to me it must have been about a year.

Q When did he become engaged at this position at Duffield?

A Oh he has been buying grain off and on for three or four years.

Q And he did not really carry on any farming operations in your division for three or four years?

A Oh yes.

Q Oh, himself?

A Yes, he was farming up to the time the land was bought from him.

Q And that was about a year ago?

A Yes, this is the purchaser's second crop.

Q Can I say this, that during the last two or three years Olaf Olson your brother in law has received from the District a great deal more than is sufficient to pay his taxes

A Well I could not say definitely because I do not know how much he has got.

Q Well now what do you think about it?

A Well during 1928 I imagine they were paid or more than paid.

Q Is that your opinion or are you satisfied as to it?

A I am satisfied that he got more than his taxes.

Q And Gumbrandt Olson. What about him in 1929 and 1930?

A He has only worked off a dollar and a half one year.

Q Do you know what he received as compared with his taxes?

A I do not.

Q Do you think he got more than sufficient to pay his taxes for 1928,1929 and 1930?

A No I could not say that.

Q And what about Raymond Olson. Who is he?

A He is a son of Olof Olson.

Q And how old is he?

A He must be about twenty.

Q Today?

A I would not say definitely,

Q And John Akins, who is he?

A A brother.

Q And it would appear he has received considerable sums more than sufficient to pay his taxes?

A He may have. He was working as foreman.

Q And G.W.Akins. Who is he?

A That is myself.

Q And did you receive sufficient to pay your taxes?

A Since I have been councillor I have paid them or perhaps more. That is by inspection work.

Q Didn't you do a certain amount of road work in addition to your inspection. Now Edgar Akins has received considerable more in the last two or three years than to pay his taxes?

A Well say the last two.

Q You would say that?

A Yes.

Q And who is H.M.Akins?

A My father.

Q And how has he made out?

A Well the year before last he got very little. Last year he got somewhere around $100.

Q Sufficient to pay his taxes?

A Yes.

Q Then could we say that you at least have not been niggardly or economical with your relations? - to summarize the matter? (No answer).

Q Have you been offered by any person any private benefit, advantage or interest to influence your vote in the council?

A No,sir.

Q You have never been offered any benefit or advantage to influence your vote in the council?

A No.

Q Or to obtain your influence - any benefit or advantage to influen your vote in the council?

A No,sir.

Q Have you been offered any benefit or advantage to induce you to ~~have~~ the council buy any machinery or equipment?

A No,sir.

Q Do you know of any offer having been made any councillor to influence his vote in the council?

A Not to my knowledge.

Q So that it follows that you know nothing of any offer or payme or agreement of payment or any benefit or advantage to any councillor since you have been there?

A No.

Q That is quite correct?

A Absolutely.

THE COMMISSIONER: Have you any charges you would like to prefer against anybody ,yourself - any complaints?

A No,sir. There is one thing though I would like to try to explain That was in this vote of the division of Mr.Pidgeon's wages. In talking to the other councillors they agreed that this matter of dividing it to prevent it being seized come up at the meeting

Q It did come up at the meeting?

A That is what they say, and I believe that. But I was out in the other room going over some time sheets and that discussion may have come up while I was there.

Q I understood you knew nothing about that at all?

A I just talked to the other councillors about it this morning.

Q But yourself at the meeting?

A No I knew nothing about it at the meeting.

MR. BRYAN: We had considerable talk yesterday about the reduction in taxes. I am quite sure you have not got that exactly straight. I think if you will explain it in your own words exactly what happened that reduction or rebate, as Mr.Parlee called it - will you just tell us exactly what happened in regard to that rebate or reduction.

THE COMMISSIONER: Your wife bought land at a tax sale and paid how much?

A She paid $101.00.

Q And was it put up at auction?

A It was.

Q And when she paid $101 would she have to pay anything more?

A No nothing more.

Q No liability for any taxes?

A No,sir.

Q When did she buy it?

A I believe it was in the Fall of 1930. I would not be positive about the dates.

Q Well I want the dates. Surely the man who bought and the man who sold can give us some idea without guessing to within two or three years. I want the exact date. You have a secretary treasurer here. Let him go out and get the exact dates. I see on May 17th,1930 (referring to Minute Book.) What were the taxes owing on that quarter section at that date?

A I could not tell you that.

Q Would it be $800?

A I do not think so.

Q Well I want that looked up.

A I could not tell you how much was against it but there were several quarters in there that was pure sand land and there was a good deal of arrears against that land.

Q What was it assessed at?

A At $915 if my memory serves me right.

Q And what is the basis of your assessment in that district - cash value?

A It is supposed to be cash value in the raw state I believe.

Q What is that land worth apart from the assessment, on a sale?

A We valued the land at $100 a quarter.

MR. BRYAN: Who do you mean by "we"?

A Mr.Francey and I.

Q That is sixty cents an acre?

A Yes.

Q If you paid $101 that wiped out all the taxes?

A Yes, the rest was all written off.

Q There was no liability for taxes?

A No.

MR. BRYNN: What did you do when you came to the council?

A I told them I thought the assessment should be reduced to what the purchase price was.

Q And what happened?

A They did not set it at that. They brought it down from $900 to $300.

Q And did you want anything further from them?

A I told them I thought I should have a rebate in my 1930 taxes which had been paid. I thought I was entitled to a rebate as the land was not worth it.

Q You were paying taxes for 1930 on $915?

A Yes.

Q And what did they do?

A They said it was contrary to the Act to reduce it.

Q And in 1931 it was worked on the $300 basis?

A Well that has not taken effect yet.

Q But it is valued at $300 now?

A Yes.

Q What is the place worth now?

A I would be quite willing to take $250 for it.

Q Were there many at the sale?

A Yes there was quite a few there, I would say forty.

Q And were there any bids for that?

A There was no bid for that.

Q Does your wife own any other land?

A Yes, the southeast quarter of the same section.

Q And this is beside the quarter she already owned?

A Yes.

Q Has she owned that for some time?

A Well for a couple of years.

Q And this piece came up for sale which was right beside the piece she owned, there was no other bids and she bid it in in order to have it right beside her other piece of land?

A Yes.

Q THE COMMISSIONER: Were you assessed by the Assessor for $ 00 or $900?

A This quarter - the assessment was made before we purchased it.

Q And did you bring the matter before the council on an appeal from the assessment, or informally?

A Well there was no one to bring an appeal because it was municipal property.

Q But after your wife bought it for $101 when these negotiations took place?

MR. ENGLISH: The assessment at that meeting would be the end of a quinquennial assessment. The assessment would be renewed by the Board to become effective in 1931 so the council could not give this man any rebate; but he had the right to appeal within thirty days.

THE COMMISSIONER: How did you get it before the council?

A I had a letter from my wife to the secretary.

Q MR. BRYAN: Your wife wrote that letter?

A Yes.

Q THE COMMISSIONER: WAS Mr. Pidgeon the man who made the reduction in the assessment?

A Oh no, no. It was passed by the council.

Q A regular resolution by the council?

A Yes.

Q And who moved and seconded it?

A I do not know who seconded it.

Q And did they all vote for it?

A Yes.

Q And was any other property reduced by the council in that way?

A Yes.

Q What other properties?

A Other lands that were sold at the same time. I would not say they were reduced on the same day but they were reduced either the year before or shortly after.

Q Other lands that were bought at that tax sale?

A Yes.

Q And any purchaser of those lands had the same opportunity of going before the council as your wife had to get a reduction in the assessment?

A Yes. Some did. I have one in my mind now who did and that is Mr.White.

Q There was nothing secret or private about it?

A No.

Q And it is a matter of record on the minutes of the council?

A Yes.

MR. BRYAN: In regard to these time sheets. Will you tell us about how that is done. What do you generally do in regard to that?

A I generally have the foreman get the names.

Q And if he does not get them?

A Well we have to obtain them.

Q Do you have much difficulty in that?

A We often do. It necessitates a considerable driving at times.

Q How much did you do last year?

A I drove for two days I believe to get the names of those sheets.

Q. How would it arise that you would do that?

A Well very often - there is a man working on the road and the foreman may not know how much he is supposed to work off. I might happen to come along to his place in the evening and there would be a man working for him and he would tell him to come along tomorrow and then I would say:"No, that man has worked all he can have."

THE COMMISSIONER: What do you mean by that?

A Well to pay his taxes - forty per cent or whatever it is.

Q And what about coming to his place?

A Well it would be necessary to drive to his place.

MR. BRYAN:

Q Perhaps go clean across your division?

A Yes.

Q Do you know whether other municipalities do that?

A No. I belive that Spruce Grove does not bother with the signatures at all. If I am not mistaken Mr.Pinchbeck told me yesterday they had done away with that for some time back.

Q And how do you find it yourself - satisfactory?

A No,I do not. It always causes more or less trouble to get those signatures because it is very often the foreman has not got the time sheet with him and if he has not then it is a case of going and getting the signatures. But I have always insisted on getting the signatures.

Q Now you mentioned about the Government grant just a minute ago.

THE COMMISSIONER: When you talk about the signatures. What do you mean - the signature of the man who did the work and who has to

receive the pay signed on the time sheet opposite his name and amount?

A Yes on the time sheet.

Q It operates as a receipt by him to the municipality for his pay?

A Yes.

MR. BRYAN: It is really an acknowledgement that is the correct number of hours, and he gets his cheque later on?

A Yes.

Q It is merely to show that that is the correct number of hours on the thing?

A Yes, that he has done that much work.

THE COMMISSIONER: What would you suggest to obviate that difficult

A I think it should be left up to the foreman to put the number of hours in. He does that anyway and if there is any complaints I think they should be adjusted by the council.

Q What are the duties of a foreman?

A To see that the work is performed.

Q Do you have a permanent foreman the year around?

A No.

Q Well how long is he employed for?

A Usually about sixty days.

Q And what territory does he cover?

A Well I have two foreman or sometimes three, depending on if there is an odd job to do like putting in culverts and things like that. There is a crew for road work and another on the west end of the division.

Q Do you ever have men working for you whom the foreman has never seen work and still you have to pay them?

A No I cannot say that I have. I do not know of any cases like that.

Q Well take dragging a piece of road after a heavy rain when it is full of ruts. Do you send a foreman out to watch that or do you telephone anyone to do it?

A No. They are instructed to drag it when it is rough.

Q And how do you keep track of his time?

A You cannot keep track of it.

MR. BRYAN: In these cases he is foreman himself?

A Yes.

Q He certifies his own job?

A Yes.

Q You mentioned the distinction between working out taxes and Government grant and some were allowed to work out forty per cent?

A Yes, that was exclusive of Government grant.

Q Will you explain the situation in regard to this Government grant.

A Well suppose it was forty per cent of the current taxes in the division and was not sufficient to earn the Government grant by people who were living near enough to work. We have taken this year in our division men from four or five miles and possibly further and of course if it would go much further than that you could easily understand it would be impossible for a man to get in a day's work.

Q THE COMMISSIONER: How is that grant paid to you?

A We have to earn that dollar for dollar.

Q Does that mean that every dollar you spend in road work has

Government gives you a dollar?

A Up to a certain amount. In case of the three western divisions this year there are $1800 divided between the three.

Q That is each division gets $600?

A $666 to be exact.

Q And to get that how much do you spend?

A We have to spend a like amount and we have to spend it on a certain road. The road is defined before we get the grant. They ask us where we are going to spend it and we are supposed to earn that grant in whatever that road is we are working on.

Q MR. BRYAN: Would they be working on a specially good road?

A Oh, no, not necessarily.

Q To do any work on your local roads you try as near as possible the people you pass by to work out forty per cent?

A Yes we give them the opportunity.

Q And when you come to the road on which the Government grant is being expended then the people who happen to live around that, they get a chance to work out a lot more because they are close to where this special work is going on because you do not want to bring a man eight or ten miles to do that work?

A Yes. It is impossible. Now last year the people in the west end division got the most of the money with one or two exceptions?

Q In doing the Government grant work they try to keep it steadily -

A Oh yes.

Q It is kept going steadily?

A Yes. My instructions at first were they were to hire a crew and go ahead with the work and if opportunity presented itself to get other men on if they could get other men in the district who wanted to work to do the best for them.

Q And if the people around the work wanted to work these other men were to be dropped?

A Yes, all men around the road were asked and I think some did work. There is one man here now had not earned any money one year and he had breaking to do and could not get on the road. To the best of my knowledge he was asked to work.

Q THE COMMISSIONER: Did you ask him?

A No but the foreman told me to ask him.

Q MR. BRYAN: And that would be the reason why some of the people in certain years would earn more on the road than in others - because there was a Government Grant for that division?

A Yes. We have always had more or less trouble to get work on the roads-until quite recently.

Q What is the cause of that trouble?

A Well the people who are farming have so much to do they have not had the time and it used to pay them better to work on the farm than on the road. But of course now conditions have changed.

Q And when is this main road work usually done?

A Usually through June and July, that is the bulk of it.

Q And any of it later than that?

A Oh, yes, we have road work right along till freeze up - a little. We may have a culvert that breaks down and emergency work such as that.

Q In the council I believe it is the custom to pay road work by a receipt. A man is given a receipt for the taxes?

A Unless I am misinformed he does not have to accept it.

Q Do you know whether that is correct procedure?

A I do not think it is not without that man's signature that he is willing to have that go on the taxes.

Q And when the district are handing you out a tax receipt they are

not doing exactly correctly although they get away with it?

A. Yes.

Q. Did it ever used to be that you paid by cheque rather than cash receipt?

THE COMMISSIONER: That is not a right way of putting it. They are doing what is perfectly proper and correct, but if the tax payer insists on getting his money for the road work they are bound to pay it.

MR. BRYAN: Suppose a man gives an order on his road work to somebody, then that order would have to be honoured ahead of the taxes?

A. Yes.

THE COMMISSIONER: It depends upon who gets the first assignment. It is perfectly proper for a man to come in and collect his pay for the road work isn't it? There is nothing wrong with that?

A. I do not see why it is wrong.

Q. In regard to this suggestion of Mrs.Pidgeon being made assistant secretary. Do you know when that first arose?

A. Yes. Well I could not tell exactly the date but Mr.McKinley had been talking.

Q. Did anyone else mention it?

A. Mr.English I believe - not the assistant, but I will say he said: "When there is so much friction with Mr.Pidgeon why not try appointing Mrs.Pidgeon as Secretary."

Q. MR. ENGLISH: May I interject here, because this is important. I drove with a gentleman to Edmonton last night and he said I had suggested they split the salary, and I did no such thing.

MR. BRYAN: In regard to the majority of the work on the books and things, who has been doing that?

A I believe Mrs.Pidgeon did the majority of it to the best of my knowledge.

Q With regard to this question of this land you sold. When Mr. Parlee was asking you about your qualifications, the land was sold some time in December. And with regard to the possession of that land what rights did you have?

A I had the right to possession until spring.

Q And did you remain on that land?

A I did.

Q And did the purchaser come into that district?

A No. His son came in.

Q And where did the son stay?

A He lived in a house of Mr.Olson's.

Q And he did not move on the land until you moved off?

A No.

Q And that was when?

A About the 1st of April. I believe it was a little after.

Q And you had the right to possession of that land up till the first of April?

A Yes.

THE COMMISSIONER: What were the taxes owing on the land purchased by Mrs.Akins?

A $632.95.

Q How many years does that cover?

A It would start in 1915 or 1916.

Q And do I understand that you allow taxes in this Municipality to accumulate from 1915 or 1916 to 1930 before you take any remedy to recover them?

A Well we do not now.

Q Well has that been the policy in the past?

A Well I could not say.

Q This Municipality is in very bad shape financially, isn't it?

A I would not say so.

Q It is not very good?

A Well if they had their arrears collected they would be in good shape.

Q But if they do not take any steps for upwards of fifteen years to collect them I do not understand when you are going to get it into good shape. Don't you suppose that if a council went after these taxes when the arrears were sufficient they might have been collecting the taxes on this property for some time instead of selling it for $101 and losing the taxes?

A Well I think myself it should have been taken up before. And for my part I was always in favor of collecting the taxes up sharply.

Q MR. PARLEE: I notice you observed this when asked what you would take for that quarter and you said:"I would be willing to take $250 for it." Is that right?

A Yes.

Q What would your wife say about it

A She is not owner of it now. I am owner of it now.

Q THE COMMISSIONER:When did you buy it?

A This summer some time.

Q What did you pay her?

A I paid her back all the money she put into it besides interest.

Q Now to be perfectly frank, was not this just a scheme of yours to buy a piece of land at a tax sale while you were a councillor? Tell the truth now.

A Of course she wanted to get the land.

Q And you wanted to get the land?

A I did and I got it too.

Q And you knew perfectly well that using your wife was just simply a subterfuge. Now let us be frank about this.

A That is the only way we can see it, I suppose.

Q And that is the way you could see it then. All right.

MR. PARLEE: Was this particular quarter section, the southwest 35, purchased at private sale or auction?

A At auction.

Q When you were in to see Mr.English this spring you were in along with some of the other councillors?

A Yes.

Q Did Mr.English suggest that all the council resign?

A No. He asked them individually if they would resign.

Q And what did you think about it?

A I told him I did not think there was anything we should resign about.

Q About the White case. Did you know that trial was coming up?

A Yes.

Q Were you present at the trial?

A No.

Q Did you know the week of the trial?

A No I do not think I did. I was not on the council then.

Q You were there in 1928?

A I did not know the trial was coming up.

Q Did you know there was such a case in existence?

A Yes and it had been for long years.

Q And [illegible] know when it was coming up?

A [illegible]

Q MR. ENGLISH: I will read Section 23 from the Tax Recovery Act, sub-section 2(Reading).

THE COMMISSIONER: That was in force when this was purchased?

A Yes that was in force.

Q So after your purchase for $101 there was no more a liability on that land?

A No.

FRED J. FRANCEY called and sworn testified as follows:

MR. PARLUE: You are a councillor for Division number 4?

A Yes.

Q How long have you been councillor?

A From the spring of 1929.

Q And you were up again this spring?

A Yes.

Q And you had no contest?

A No.

Q So 1929 is the first time you appeared as councillor?

A Yes.

Q And do you remember being in Mr.English's office alon with the rest of them this spring?

A Yes.

Q And the chief object was discussing the dissatisfaction out in this community?

A

A Yes.

Q And one important matter was the question of Secretary Treasurer?

A Yes.

Q What has been your attitude since you have been there regarding the competency of the present secretary treasurer?

A Well I considered him inefficient and neglectful.

Q Unsatisfactory?

A Yes.

Q And what has been your stand throughout?

A To remove him and try and secure an efficient secretary.

Q You think a good many of the difficulties here have arisen became of the incompetency of the present incumbent?

A I do. Not all.

Q Did Mr.English suggest that the councillors might retire?

A There was talk on that, yes.

Q Do you remember what was the conversation?

A Well on that particular conversation to the best of my recollection it was talked of if we resigned we might clean the whole thing up. And if I am not mistaken my attitude was not to resign. I am not prepared to say what the others said.

Q You thought you had no reason to resign?

A I did.

Q Now the council had been divided according to the evidence. That is, you and Mr.Howatt had associated yourselves together against the secretary, not against the secretary but against his continuance; and the other four have been in favor of retaining him?

A Yes. That did not continue to exist in the two years and a half because there was one of the other councillors in the year 1929

was in favor of removing the secretary as much as Mr.Howatt and myself.

Q And that was who?

A Mr.Goertz.

Q Was he also of the opinion that he was inefficient and it would be advantageous to have him removed?

A He said that he was.

Q That was his attitude?

A Yes.

Q And then eventually he changed over?

A Yes.

Q You are acquainted with the subject of this inquiry - the various items?

A Yes.

Q You have no doubt read them over frequently?

A Yes.

Q And I read them to you the other day?

A Yes.

Q I will read you A. (Reading clause "A" of Exhibit 1). Have you any knowledge of any moneys that were not earned?

A I have not only as it might be hearsay and I do not consider that knowledge, as far as I am personally concerned.

Q Any well founded rumor?

A No I do not consider any of the rumors were well founded.

Q You did not follow them up any?

A No.

Q (Reading Clause "B" of Exhibit 1)?

A I know of none.

Q (Reading Clause "C" of Exhibit 1). Do you know of any?

A I do not know of any only what I have seen since this inquiry started. I knew of none before, not to my knowledge.

Q (Reading Clause "D" of Exhibit 1)?

A Well I would have to answer that in the same way. It has only been hearsay and my knowledge I have has only been hearsay and I do not consider we were liable on that.

Q (Reading Clause "E" of Exhibit 1)?

A I know of none.

Q Have you heard continually rumors of bribery and corruption between any of the councillors,or any of them being influenced to vote?

A There has been rumors, certainly.

Q Regarding what particular councillors?

A Well I would not say that it was any particular councillor. It was just simply a rumor.

Q You do not want to give effect to these rumors I presume?

A No I could not.

Q (Reading Clause "F" of Exhibit 1). Do you know of any such irregularities?

A I know of cases of that kind.

Q I am speaking of irregularities.

A No. We have not considered that as an irregularity where an employee of a farmer has been put on the road to work for the particular farmer. We have never considered that an irregularity; not since I have been on the council or yet before to my knowledge.

Q THE COMMISSIONER: I suppose the farmer could go himself and leave the hired man home to run the farm?

A Yes.

Q And in all those cases that have come under your notice has the municipality got value for the money paid or credit given to the tax payer?

A In my division they have got value for their money.

Q And have you any reason to suspect they have not in all other divisions?

A No I have no reason to suspect it because I do not know.

Q So you always look at it as a personal matter between the farmer and his hired help?

A Yes I do, and as you said before, the foreman is satisfied he is getting value.

Q (Reading Clause "G" of Exhibit 1). Do you know of any such benefits that any member of the council has received which he ought not to have received?

A No.

Q (Reading Clause "H" of Exhibit 1). Do you know of any such misuse?

A Only rumors I have heard. Outside of that I have nothing I could prove.

Q (Reading Clause "I" of Exhibit 1). What has been your attitude with regard to the secretary?

A I have considered he was inefficient and neglectful.

Q Can you enlarge upon that?

A Well in regard to - I will only mention from the time I have been councillor, and the reason for it. We have had in a number of cases a great deal of trouble in regard to the ratepayers receiving their receipts and also cheques which were due them and did not get until a long time after they were due and many other things that could be mentioned.

Q THE COMMISSIONER: The issuing of receipts for taxes?

A The issuing of receipts for taxes and money due the ratepayers which they did not get for a considerable length of time.

Q What would be an example of that money due to the ratepayers they did not get for a long time? How would that arise?

MR. PARLEE: For work that he had done?

A Yes.

Q His Lordship asks you to illustrate it.

A The only thing I can say is neglect on the part of the secretary in forwarding either the cheque or receipts, whichever the case might be.

Q But how would the obligation arise?

A From work the ratepayer had done.

Q On the roads?

A On the roads.

Q Well now, would that be due to the fault of the councillor in sending in the time sheets or would it be due to the neglect of the secretary treasurer after having received the time sheets in giving effect to them immediately?

A The cases I referred to is the neglect on the part of the secretary treasurer entirely.

Q And over what period would that neglect extend?

A I can name two cases where it extends since, I will say, somewheres around September or October, there were parties should have had their cheques and they have not received them yet to the best of my knowledge.

Q Who were those parties and what was this all about that they should have received their money last Fall?

A Well Mr. Walter Short has requested me a number of times and I

have talked it over with the secretary in regard to a cheque and they claim he mailed the cheque but it was lost. I do know I was informed last Sunday morning that he had not received that cheque yet.

THE COMMISSIONER: What is the name?

A Walter Short.

Q What was the amount coming to him?

A About $25, for work on roads.

Q Performed when?

A Last summer it would be performed I presume.

Q In your division?

A Yes.

Q You approved the time sheet and handed it to the secretary treasurer when?

A Well I would say at the latest in August but I might be mistaken in that.

Q And what would be the latest possible date in which you handed the secretary treasurer that time sheet?

A Well I would think it was in August. It might have been later.

Q But it would not be later than September?

A No I do not think so.

Q And Short has not got his money yet?

A No.

Q How often did you speak to the secretary treasurer about this?

A Well possibly three or four times and Mr.Short informed me that he was down and had an interview with the Secretary Treasurer.

Q Is Mr.Short here. Will he be here?

A Not unless he is invited.

Q. MARTIN: Who attends the meetings, the secretary or his wife?

A The secretary.

Q And it seems to be current here that Mrs.Pidgeon does most of the clerical work and most of the work in the office?

A That is what I have been given to understand.

Q What have you to say about Mr.Pidgeon's knowledge as you go along in the meetings. How intimate is he with the affairs of the district, in the meetings? A secretary is supposed to keep you straight more or less?

A Yes.

Q Do you think he gives you the information you ought to have?

A He gets a considerable lot of the information from his wife.

THE COMMISSIONER: Do they both attend the meetings?

A At the present time we hold our meetings in the secretary treasurer's office and there are two rooms there and very often Mrs. Pidgeon is in the one room attending to work I presume,and we are in the next room.

Q MR. PARLEE: How long have you held the meetings at the office?

A Well this summer.

Q And where were they held prior to that?

A In the town hall.

Q And would she be in attendance?

A No.

Q Who handed you this notice - this tax notice?

Q THE COMMISSIONER: You said you had another case. Who is the other one?

A Mr.Lyons.

Q And what was his work?

A He had a cheque of $37 coming which I have been informed there was a mistake made by the secretary treasurer and that cheque was sent to another ratepayer by the name of James Lassiford.

That ought to have been on the same pay sheet to the best of my knowledge.

Q And did you see the secretary treasurer about that?

A I asked them about it and they informed me that it was a mistake, that the cheque was not made out to Mr.Lyons but to Mr.Esselford in mistake.

Q And was the cheque cashed?

A I understand it was cashed.

Q How do you understand that?

A From the now assistant secretary Mrs.Pidgeon.

Q And when was it cashed?

A I presume shortly after he got it and I am not prepared to say when that was.

Q And have they refunded that money to the municipality?

A Not to the best of my knowledge.

Q Have they paid Mr.Lyons?

A No. At least I say no, well they had not paid him up to about six weeks ago and I have not seen Mr.Lyons since.

Q That cheque is available, is it. Mr.Pidgeon, you have that cheque looked up and bring it to Mr.Parlee with all the information about it.

Did they say what they proposed to do about Mr.Lyons getting his money?

A I have been given to understand that they wrote to him and as to the answer he gave them I am not prepared to say because I do not know.

Q And bring a copy of the letter you wrote to Lyons and all correspondence between Lyons and yourself and Esselford and yourself, Mr.Pidgeon.

Q Now are there any others of that nature?
A Not to my knowledge at the present time. It is possible I might get some later.

MR. PARLEE: From whom did you get this tax notice?

A I got that from the man who had it.

Q Who gave it to you?

A Rene Matthys. But if you remember the parties who are directly interested in this will appear before you.

Q I am just asking you so we will identify it. That was given to you by Matthys?

A Yes.

Tax notice from Rene Matthys filed
as Exhibit 16.

Q What did the man tell you?

MR.DUNCAN: Well I do not think that is a proper question.

THE COMMISSIONER: When we are in Court we have strict rules of evidence by which we may be governed. But I often realize there is a great deal of valuable evidence which is obtained through hearsay and I am not going to apply the strict rules of evidence here. I am going to use all reasonable means of getting all the facts before the Commission so it may be dealt with in the report but I will not allow anyone to be unduly prejudiced by evidence which may be in its nature hearsay.

MR. DUNCAN: The only point I have is this - your Lordship will have to make a finding -

THE COMMISSIONER: I am not making a finding on prosecutions or anything like that.

MR. DUNCAN: I do not know what the man said but if the man is here he should be called.

MR. PAHLEE: What was Mr.Matthys' complaint?

A His complaint is that it is a matter that I would not like to endeavor to explain too fully for the fact that I might be wrong and the parties who are directly interested in that exhibit will present themselves here in Court.

THE COMMISSIONER: You were the councillor of this district at that time?

A Yes.

Q And you were looking after the interests and the welfare of all the people in the district and the ratepayers?

A Yes.

Q Was this man a rate payer?

A He was a renter paying taxes.

Q And he came to you as a councillor for the division to make a complaint?

A Yes.

Q What was his complaint?

A It is rather a complicated affair for me to explain from the fact that this man left his money, $55 with the store keeper, Mr.W.J. Taylor at Duffield.

Q To pay on account of taxes on this land?

A Yes to pay to the secretary treasurer of this municipality.

Q And have you seen Mr.Taylor?

A I have.

Q And does he say it is paid?

A He says he passed it to Mr.Hidson. And further, Mr.Matthys says he received cheque back out of the $5600.

Q ?

Q Amounting to how much?

A Amounting to around about $4.70.

Q THE COMMISSIONER: You will have Taylor and Matthys here?

MR. PARLEE: Of course.

THE COMMISSIONER: This really comes in under subsection "K" and any tax payer has a right to sit here and make any complaint he likes. This is nothing more than a complaint and not proof of a fact at all.

MR. PARLEE: Do you still think the secretary treasurer ought to be removed?

A I do.

Q (Reading Clause "J" of Exhibit 1.) Have you any such knowledge?

A Only rumors, just common talk, but other than that I have no knowledge.

Q You will recollect that at a recent meeting I think in June of this year there was a division of the office of Secretary whereby there was made to Mrs.Pidgeon $600 as assistant and to Mr. Pidgeon as Secretary $900?

A Yes.

Q Prior to that Mr.Pidgeon had been engaged for the year at a salary of $1700. Now the Commissioner would like to know why that was done and your attitude to it and why your attitude?

A Whether that had been talked over by any of the other councillors and the secretary treasurer or anything of that kind I am not prepared to say because I did not hear anything of that kind at all and did not know anything about it until Mrs.Pidgeon came from the other room into the council meeting and said to Mr. Pidgeon:"Don't forget to ask the council about that matter of appointing me assistant at part of the salary." There was no

definite amount stated - at part of the salary, to the best of my knowledge. And it was talked over but very little but the fact came out in a very short time that they owed a certain amount of money or monies and they said that they felt that they were willing to pay that money but they did not feel that they wanted his salary attached. Now I might say that if that is a mistake on my part, I made it.

THE COMMISSION R: That was all discussed at the meeting? That was discussed at the meeting.

Q And that is the reason given by them for the division of this $1700 salary?

A Yes.

Q And the appointment of Mrs.Pidgeon as assistant?

A Yes.

Q Your business did not require a secretary and assistant secretary in this municipality, did it?

A I would not say so.

Q Don't you suppose you could get somebody for $1700 who would do all the work without any assistant?

A From my knowledge at the present time I think we could get him for much less.

Q So this matter of an assistant secretary for a municipality like Inga is more or less camouflage?

A I believe so.

Q Just a scheme to defeat his creditors?

A Yes.

Q And you understood it so at the meeting?

A Yes I understood it at the time but I will be frank to say that out of the goodness of my heart I made a mistake.

Yes, Well that is a good trait, but in dealing with public funds you cannot deal on that principle.

A Yes, and I must say that if Mr. Gideon had been given an opportunity he would probably pay his liabilities.

I am not impeaching his honesty or anything like that but I am saying that public bodies have no business in assisting people in defeating their creditors or hindering them.

Well since that time I have felt that I made a mistake.

Yes I think they did, not only you but the rest of the councillors. I think the kindness of your heart overcame your common sense and good judgment.

MR. PARLEE: (Reading clause "K" of Exhibit 1). Have you any such knowledge of such irregularities or improprieties?

No I cannot say that I have.

Of your own personal knowledge you have not got any?

Or improprieties?

Taking the words "irregularities" and "improprieties". Have you any such knowledge?

No I could not say that I have. Of course there have been mistakes made not only by the council as a whole but I would go further and that and say by the individual councillors.

THE COMMISSIONER: Oh just honest mistakes. But what Mr. Parlee wants to get at is anything of a dishonest nature or questionable.

Not to my knowledge.

MR. PARLEE: Apparently your community down there is peaceful?

THE COMMISSIONER: Perhaps they have a good councillor?

MR. PARLEE: By the way, can you tell me of the incident, of the time of Mr. Goertz' conversion when he changed from his position in favor of the secretary treasurer - to the other side. When

did that occur? Do you remember the incident?

A Yes.

Q And he was like Saint Paul on the way to Damascus.

MR. BRYAN: He saw the light.

MR. PARLEE: When did that occur?

A I think that occurred to the best of my knowledge at our first meeting in 1930. Now I may have been mistaken but I think so. Mr.Goertz had joined forces with the other three councillors - the time was in the spring of 1930.

Q And were you with Mr.Howatt when he called for him?

A Yes.

And prior to that he had been supporting you and Mr.Howatt?

A Yes.

Q As against -

A Yes, he had voted with us invariably. I mean now on the two important questions, that is what I consider, the secretary and treasurer and the big machinery. Those were the questions that I feel we have been divided on.

Q What seemed to be the period at which Mr.Goertz would reasonably date his conversion. What strikes your mind?

A Mr.Howatt and I were going down together coming to the council meeting. Shortly after we left home Mr.Howatt said he had talked with Mr.Goertz over the phone and he said he would be ready when we got that far. We go right by his door and it was understood by us or by myself, and that was practically all the conversation that took place. And when we got down there Mr.Howatt pulled into the yard expecting Mr.Goertz to be ready to go to the meeting and when we went in we saw a strange car in the yard and Mr.Goertz came out of the house and he said: "Mr.Freye came over

after me" and we were both very much surprised but we had no conversation with Mr.Goertz in regard to why Mr.Kreye came but he said that he came over after him and he was in the house and that he had a bottle.

Q Mr.Goertz said Mr.Kreye had a bottle?

A That is Mr.Goertz' story to Mr.Howatt and I in his yard. We simply passed a few jokes.

Q Did you say anything about his changing?

A Absolutely nothing. And Mr.Howatt and I came to Stony Plain to the meeting and shortly afterwards Mr.Kreye and Mr.Goertz came in and when the question of secretary treasurer came up that day Mr.Goertz supported the retaining of the secretary treasurer.

Q If he did not see the light he saw something?

A Yes.

THE COMMISSIONER: Were you at the council meeting when Mr.Goertz introduced a resolution to discharge Mr.Pidgeon as Secretary?

A Yes.

Q What took place at that meeting?

A Did that not take place in 1929?

A Yes. What took place at that meeting?

A We had quite a discussion in regard to the secretary treasurer.

Q And did Goertz give any reasons for moving his resolution?

A He said he was no good and he would not attend to business and so on and he figured that it was time that a change was made.

Q Did Goertz say that right out in the council meeting?

A To the best of my knowledge he did. I might be mistaken on that but I do not think I am.

Q Did you have any talk with Goertz about his resolution before he moved it at the meeting?

A I think we talked it over.

Q. Did Goertz give any reason to you as to why he was going to or why he did bring in such a resolution to the council?

A. Because he said at that time that Mr.Pidgeon the secretary, he did not consider that he was efficient any longer.

Q. Now Mr.McKinley, Mr.Kreye and Mr.Akins I think - they say that Goertz gave as his reason for introducing the resolution that he just wanted to have a show down?

A. If that is the case, I cannot say that I remember it in that way at all.

Q. Have you heard Goertz make any definite statements as to why he brought in such a resolution or as to the advisability of getting clear of Pidgeon?

A. Mr.Goertz made those statements to myself and I am almost positive that Mr.Howatt was present.

Q. And did you have quite a discussion in the council about it?

A. Why there was considerable amount of discussion in regard to that but the vote was taken and at that particular meeting it remained three three.

Q. R. PARLEE: Did you hear Mr.Goertz say any words, or in effect, in order to bring the matter to a show down:"I am going to make a motion dismissing the secretary?"

A. He might have said that, but not to my knowledge.

Q. You made a statement a moment ago that was interesting. You said the two matters that seemed of concern to the council chiefly were the secretary treasurer and the question of purchasing machinery?

A. Yes.

Q. Why do you say about machinery or equipment?

A. Because we were divided very strongly on the purchase of large

machinery.

Q That would be what year?

A That was 1929 and 1930.

Q That means having machinery that goes to considerable expense?

A $1000.00.

Q And what was your attitude?

A Well my attitude was that I opposed buying big machinery.

Q On account of expense or on account of its not being applicable or suitable?

A Well on both. I presume when I was elected - It was only a presumption - in 1929, that from the knowledge I had of the council, I was convinced the year before, when it was practically a certainty that they would purchase it or agree to purchase a big outfit that would cost $1000 or $1100. That was only common talk. But when I got into the council some of them seemed to be very anxious to purchase big machinery and there was a great many of the principal of the machinery agents who were attending council meetings and as a matter of fact in the forepart of the summer I could very readily see that we were not going to get very far with our meeting nor yet with the purchase of machinery in handling the case in that way. I think the minute book will bear me out when I say that I moved a resolution myself that we have a special meeting at Duffield at a certain date, not long after that, to discuss the question of machinery alone. And we had that meeting in Duffield.

Q That would be in the forepart of the summer of 1929?

A I believe so. We had that meeting in Duffield. I took very little part in it myself outside of listening.

Q. May 31st,1929. Meeting at Stony Plain. That is Exhibit 14, page 231. And at page 233 we have some motion regarding demonstration (Reading).

A. That was after the meeting in Duffield.

Q. Special meeting May 18th,1929, held at Duffield. Exhibit 14, meeting at Stony Plain May 13th,1929, page 225 (Reading). That is the one you refer to?

A. Yes.

Q. Then On May 18th., Exhibit 14 page 229. (Reading).

A. The reason the first motion came in was from the fact - I could not give the dates but it was some date between those two meetings that they were to give a demonstration south of Stony Plain. For some reason he gave us, which was he could not get the engine shipped up from Saskatoon and notified the Reeve he could not put on the demonstration that day owing to the fact he could not get his machinery here.

MR. BRYAN: Was that motion carried?

MR. PARLEE: Yes.(Reading).

A. Yes it was a satisfactory demonstration.

Q. And the next meeting is on May 31st and at page 233 (Reading). Is that the one referred to by Mr.McKinley?

A. I presume so. That would all connect up together.

THE COMMISSIONER: Mr.Francey says it was subject to satisfactory demonstration?

A. Yes.

Q. MR. PARLEE: And then they go out and have the demonstration and after the demonstration they go out and do not buy it?

A. Yes.

Q. What is the difference between the creeping grip tractor or

twelve foot grader and this Bates 80 h.p. crawler. Are they the same?

A Well they are different manufacturers.

Q And those voting for are Akins, McKinley and Kreye?

M Now as far as I see here -

A What I am referring to is the motion in that book I have just read and the holding of a special meeting at Duffield to consider the purchase or otherwise of machinery. We went out there and had that meeting and at that meeting it was arranged - I think I am right in saying that the Richardson road machinery man agreed to put on a demonstration at a certain date and he failed to put it on owing to the fact that the railroad neglected to pick up his tractor. He phoned the Reeve that he could not put on the demonstration at that time. I was told by the Reeve at that time that he told him that as long as he could not put it on when he agreed to not to bring it at all or to have the demonstration, until after we had the meeting which was only going to be a few days after he had arranged himself to put that demonstration on. But regardless of the instructions he got from the Reeve he brought his machinery out and advertised a demonstration at a certain time which I did not attend. When Mr.Howatt and I was attending this last meeting when Mr.Howatt and I was on our way to the meeting at that time we had to detour around that way and consequently the big machinery was standing at a certain quarter south of Stony Plain and they were ready to start and there was a number around there, I could not tell you who, but I presume a number of the councillors and they asked if we were going to remain to see the demonstration and we said not it had been called off and a council meeting was called for that day and we were going up to it. And we came to Stony Plain and stayed around for

a short length of time and saw our secretary on the street and Mr.Howatt went and informed him that if the council wanted a meeting that day that he had better go out and tell them to come in immediately or we were going home. And the secretary went out and instructed the councillors to that effect and they came in and we had our meeting in the forenoon and continued in the afternoon till about two or three o'clock. And then it was moved that we adjourn the meeting to go out and see this demonstration which we did. And from different conversations I have had with different councillors and so on and so forth I discovered to my satisfaction that there was no two councillors there who decided on any one machine and it seemed to me they were getting into a considerable amount of dissatisfaction and when we resumed the meeting I moved the resolution there that we do not buy any big machinery that year and the vote stood three three.

Q And was there any bought?

A No they could not buy it.

Q THE COMMISSIONER: Now in connection with this whole matter of big machinery or small machinery. Was there any difference amongst you except honest differences of not incurring the expense and the suitability of the machinery?

A Not that I am aware of.

Q No other factors had been brought into the discussion than just the cost and the suitability?

A The cost and the suitability is the only thing we divided on.

Q And you were all honest in your differences?

A I presume so. I presume so.

Q There was no great expense incurred for machinery in that year?

A No.

Q What about 1930?

A Well there was no big machinery bought that I know of. In fact I know there was not.

Q Well have you bought any yet?

A No not big machinery. We have bought some small.

MR. PARLEE: The point I was getting at was, you brought Mr. Goertz in about some difference about the secretary treasurer and the other about the grader. Was Mr. Goertz with you all the time?

A Yes about that time.

Q Has he made any alterations on the heavy machinery?

A Well the question of heavy machinery has not come to a vote since that time, to my recollection.

Q It is intimated, and can you explain it to me - my recollection is that some time in the Fall of 1928 some heavy machinery was purchased for $1000 or $1100 for Kreye's division and was never put into the audit?

A I think you will find that is in Mr. Akins' division.

Q And was never charged up to that year?

A It never was.

Q You know nothing about the details of it?

A No only when we received our auditor's statement we discovered there was none of that in the statement. When we asked the secretary as to why that did not show he said it did not make any difference whether it was on or not as it was on either side.

Q It appears that in November 1928 this machinery was bought at $1000 or $1200?

A That I could not say.

Q And there were notes given that were still outstanding in 1929 or 1930?

A That is how I understand it.

Q And were you there when inquiry was made from the secretary as to why it did not appear in the audit?

A I asked the question.

Q And his answer was -

Q That it did not make any difference to the audit as it did not show on either side, either credit or debit.

Q The machine was not shown as an asset and the notes were not shown as a liability?

A Yes.

Q Which secretary were you talking to?

A Mr.Pidgeon. .

Q Do I understand the secretary said it did not make any difference because we do not put the machine as an asset so long as we do not show the other as a debit?

A That is what was said to the best of my knowledge at that meeting.

Q THE COMMISSIONER: Would not that item have to appear in the secretary treasurer's books?

A Yes.

Q And who was the auditor?

A I think McCannel Brothers in Edmonton.

Q And they would make up their audit from Pidgeon's books?

A Yes.

Q And whose error would it be? Supposing Pidgeon had showed the purchase of this machine for $1100 and showed a payment on account of cash $150 and the giving of notes for approximately $1050 or $1080 - if these were all in Pidgeon's books whose business was it to prepare the balance sheet from the audit - the auditor?

A I would think so.

Q Do you know whether Pidgeon had made entries in his books setting for th this liability?

A No I could not say.

Q MR. PARLEE: Do you know whether he has made an entry for the payment out of $150 cash?

A But I do know these notes were still owing.

Q Do you know anything about the ballot boxes being destroyed?

A Only what I have heard.

Q Did you know they were being retained?

A Not until after it was all over.

Q Have you anything further to add?

A Not offhand I cannot think of anything.

Q MR. DUNCAN: You have been a councillor for two years and a half?

A Yes.

Q And you have no complaint to make under subsection a, b, c, d, e, f, g, h, j or k?

A Well I cannot remember those offhand.

THE COMMISSIONER: Well look at the order (handing exhibit 1 to witness).

A No complaints under a, none under b. Well my answer is the same as I have given them there.

MR. DUNCAN: And c?

A Well as I have said.

Q And d?

A My answer as given still remains.

Q None under e?

A No.

Q None under f?

A No.

Q None under g?

A No.

Q None under h?

A No.

Q So from a to h inclusive you have no complaints?

A Not to my knowledge.

Q You do not know of any reason why you should make any complaint under those heads?

A No I do not know why I should.

Q You have no knowledge of any facts which would justify you in making a complaint under any of the heads a to h inclusive?

A Not at the present moment I certainly have not.

Q And j?

A No.

Q And k?

A I could not substantiate.

Q The only complaints you have to make is as far as the office of secretary treasurer is concerned?

A Yes.

Q And there was a meeting called at Mr.English's office to discuss the affairs of the municipality?

A Yes.

Q At which all the councillors were present and one inspector and Mr.Pidgeon and Mr.English?

A Yes.

Q And you were each one asked individually if you would resign. Anyway you were asked if you would resign?

A Yes.

Q And you saw no reason why you should?

A Yes.

Q And the rest took the same attitude?

A I presume so.

Q And after that conversation Mr.English brought up the question of Secretary Treasurer?

A Yes.

Q And he again asked each of you individually if you had any complaint to make about the secretary treasurer?

A Yes.

Q And the only one with any complaint to make was Mr.Howatt. That is right?

A I am not so sure about that.

Q You made no complaint?

A I made no formal complaint.

Q And you expressed yourself as quite satisfied with his work in the office?

A I beg your pardon?

Q What did you say?

A I said the same there as I did here that to the best of my knowledge he was unsatisfactory.

Q Did you ask Mr.English to have him fired that day?

A No.

Q Now is not this the only complaint that day, that Mr.Howatt's complaint was that the office should be moved from the garage to a separate municipal office?

A I will agree there was no definite charges laid against our secretary that day. The question came up of removing the present secretary and appointing Mrs.Pidgeon as secretary and he asked each individual councillor in regard to that and said while he was asking them that he wanted to have it unanimous. When he came to me I said: Well I am sorry but you cannot make it

unanimous."

Q. There was no one expressed any particular objection to Pidgeon that day in Mr.English's office other than the objection that they move the office?

A. It was distinctly understood he was not satisfactory to us,and always has been.

Q. By "us" you refer to whom - the council as a whole?

A. Well I could not say the council as a whole.

Q. Anyway, as a result of that meeting a municipal office was established?

A. Yes.

Q. And that was shortly after the meeting in Mr.English's office?

A. Yes.

Q. And Mr.Pidgeon's salary was raised this year?

A. Yes.

Q. And you voted for it, with the others?

A. Yes.

Q. So you were not very much dissatisfied?

A. In that office you will find if you still want to go into the details of that meeting, you will find out there was a great many articles drawn up there and voted down and it was agreed that we would endeavor to carry on under that.

Q. All we want to do is to be fair to everyone in this district.

A. I just want to mention this from the fact that I voted to raise him $200. If you remember last spring the Government saw fit to turn over the collection and authorize the financing of some seventeen schools in this municipality. That involved a considerable amount of work on the secretary. And I am not a secretary treasurer and have no knowledge of accounts -

Q You considered he was earning more money than the salary he was getting at that time, so you raised him $200?

A This school work had just been turned over.

Q Additional work was imposed on your secretary?

A Yes.

Q And you thought the additional work would entitle him to an increase of salary?

A I did.

Q And you voted it for him?

A Yes.

Q In the two and a half years you have been on the council you mentioned only two specific items in which you think Mr. Pidgeon was neglectful or made a mistake. One is W. Short and the other is the Lyons' cheque?

A Yes.

Q Those are the only two you mentioned to Mr. Parlee and he asked for others and you said you could not remember any others?

A I said it was all I could remember at the present moment.

Q And that is in two years and a half?

A At the present moment.

Q Now taking the manner in which the pay sheets are handled. You as councillor signed the time sheets. You pay them?

A Yes.

Q And they are brought into the Secretary's office?

A Yes.

Q He does not issue a cheque for that time sheet then, does he?

A No.

Q The council has to pass on it first?

A Yes.

Q And the Reeve and the Secretary sign the cheques?

Q And sign the pay sheets too.

Q And if the funds are available they pay them?

A Yes.

Q Do you know when this pay sheet of Short's was passed by council?

A Well it was passed about the time I said it was. Didn't I say it was in September or October at the latest?

Q Do you know of any reason why it has not been paid?

A Only the excuse the secretary has given - they claim they mailed the cheque to Short and it was lost and Mr. Short has told me that he has called at the office once and I think twice but I would not say that for sure, and has received no satisfactory answer.

Q So far as you are personally concerned those are the only complaints you remember up to now against Mr. Pidgeon?

A No I would not say that.

Q Well if there are others lets us have them?

A I do not want to make anything unless I can substantiate it.

Q THE COMMISSIONER: They all have one general complaint, that is, they have a secretary treasurer to whom they were paying $1700 a year and that secretary treasurer was not doing the work but his wife was doing it. We do not hire public servants to have their wives do their work.

MR. DUNCAN: Mr. Pidgeon's books are audited each and every year?

A Yes.

Q And you found no complaints from the auditor in any manner or shape or form?

A No but we have from the ratepayers.

Q But you have not from the auditors?

A Going back this last year - the auditor's statement was incorrect. It shows that the councillors who were entitled to the capita grant from the Government - it shows us over-spent $1650 from the

fact that it did not show that on the auditor's statement. Why that is I am not prepared to say.

THE COMMISSIONER: It showed what?

A It showed $1650 overspent last year.

Q Why were you overspent?

A Well we were not overspent.

Q MR. PARLEE: Just explain to the Commissioner what you mean by that, this date of 1928.

Auditor's report for 1928, filed as Exhibit 17.

Q This audit shows an under expenditure of $243.11?

A That is the year before I was elected councillor.

Q And take 1929. What does that show?

A Well that shows an over expenditure of $564.00.

Auditor's report for 1929, filed as Exhibit 18.

Q And was there any such over expenditure?

A Not to my knowledge.

Q And 1930. That shows an over expenditure of about $1804.00?

A Yes.

Q The amount allocated is $3081 and it shows a total expenditure of $4,805. Is that correct?

A No.

Q Tell me what is correct.

A There should have been added to this allocation here of $3081 $1650 more which the correction of this statement by our auditors will show. That occurred in the capita grant which will show that such division which amounted to about $1650, it was neglected

to be shown on their expenditure.

THE COMMISSIONER: You get a capital grant from the Provincial Government of so much money?

A Yes.

Q And I understand that this last year that you are shown in your division to have expended $1804 on account of the capital grant more than you got. That is, you spent money you have not got. So you must be in debt to that extent. Is that correct?

A No. We can get the correction because this auditor's report was corrected by the auditor's themselves and it was published, I am sure, in the Stony Plain newspaper which showed division 4 with a further credit of $1650, from the fact that it was neglected to be added on here for some reason that I am not prepared to give you.

Auditor's report for 1930 filed as Exhibit 19.

Q Now commencing from Exhibit 17 which gives you an under expenditure of $243. Now what was your complaint about that?

A That when I took office as councillor in division 4 and I got the figures from the Secretary instead of showing division 4 a credit of $243.11 it shows an indebtedness of $500. Then we go along till the next year and -

Q THE COMMISSIONER: Who kept those figures to show that indebtedness? Who kept the books?

A The secretary.treasurer.

Q And where did he get the information from to make up thos books - to make the entries? You are responsible for the expenditure of all road money in your district?

A Yes.

Q Whether from the Provincial grant or local taxes. And the secretary treasurer has no way of knowing what money is expended except from information he gets from you?

A He has the information any bills I incur and also the time sheets

Q But that information passes through your hands into his own?

A Yes, through the time sheets.

Q So that he made up his records from information which the previous men had given him previous to your going in?

A I presume so.

Q And you say that that showed a debit against your division of over $500?

A When I took office.

Q Instead of showing a credit of $243.11, I understood you to say, he showed a debit, or are you referring to the 1930 debit?

A I am referring to 1930. I beg your pardon. 1928 this auditor's sheet shows a credit to this division of $243.11. That was under the former council.

Q So that all the money which the council was entitled to spend in that district had not been spent?

A No.

Q Is that from the Provincial grant or from the local assessment?

A I presume from the local assessment.

Q And was that money actually there or was it just a book entry?

A That is something I cannot answer.

MR. PARLEE: What is your complaint?

A That in 1929 when I took office it showed that division 4 was in debt $500.

Q Instead of having a credit of $243.11 there was a debit of $500 odd?

A Yes.

Q Whose fault was that?

A I am not prepared to say but I am saying that if we take these auditor's reports up to date these auditor's reports will prove that division 4 is not overspent, only a little bit, about $30 or $35.00.

Q What does the auditor's report show?

A $1804. That is what it shows. But I say there is a correction made by the auditors whereby it credits those divisions with $1650. That would reduce that over expenditure considerably.

THE COMMISSIONER: Now coming back to the audit of 1929. It shows an over expenditure of $504. Was that right or wrong?

A Well personally I do not think it is right. I may be wrong in that.

Q Well we come to 1930 showing an over expenditure of $1804. Is that right or wrong?

A That is wrong.

Q And you say if the secretary treasurer kept his records correctly you would know every dollar that you had to expend in your division from local taxes and provincial grants and road work. You would have that all -

A Most assuredly.

Q And from you he gets his information as to the expenditures which have actually been made, that is through the time sheets?

A Yes.

Q So he would take the taxes on the one side and take these bills which you give him on the other. He would add up all these bills and that would show exactly the money you had spent?

A I presume so.

Q Where did this mistake occur, in his work or the auditor's work

or in yours?

A Well it could not have occurred in mine.

Q Why not?

A Because the time sheets show exactly what was spent, and the auditors -

Q The time sheets should show exactly what is spent?

A Yes.

Q You would send those in to the secretary treasurer?

A Yes.

Q And against your grants for road work he charges all these bills?

A Yes.

Q Did he omit to charge or did he wrongfully charge against your grant some items? Did he charge against your grant, for instance, Items that should have been charged to district number 1 or district number 2 or three or five or six?

A I am not prepared to say that but I am prepared to say that he neglected or some person neglected, and personally I do not know of any person else who could have neglected, to give the auditors the information, only him, in regard to the $1650 which is included in our auditor's report.

Q What is that item?

A That is $1650 of Government grant.

Q Payable to your division?

A Yes.

Q And it is a continuous account?

A No.

Q How is that amount arrived at - by resolution or by the appropriations from the Government?

A Well both. The Government appropriates a certain amount and then it is divided up as we agree.

Q Do you know whether he had credited that $1650 to another division in error?

A I do not think so.

Q Where was it?

A I have not been able to find out, only the correct auditor's report which the ratepayers demanded at the annual meeting will show that those divisions were entitled to and received that amount.

Q Now what do you know of your own knowledge as to the errors in the auditor's report - what they were based on. Was it from wrong information or incorrect information furnished by the secretary treasurer or was it due to the auditor's own carelessness in making his audit?

A Well that is a hard question for me to answer but to the best of my knowledge -

MR. DUNCAN: Mr.Pidgeon was only earning about $1200 a year for some years and then $1400?

A Well I was not on the council.

Q Is this your first experience on the council?

A The second.

Q Anyway Mr.Pidgeon opened a garage and ran a garage business for some two or three years?

A Yes for a certain length of time.

Q And I suppose made a little extra money like we all would try to make if we could. That is right?

A We do not consider it was right.

Q You expected him to spend full time for $1400 a year and keep a wife and family?

A He was getting $1500 a year.

Q And the municipality used his office for years rent free?

A We reimbursed him for that.

Q Anyway his garage business did not go so very well and he owed a few debts. I am leading up to this meeting when you passed the resolution?

A I cannot say about that.

Q Anyway we are at the time when you agreed to pay Mrs.Pidgeon part of the salary?

A Yes but I afterwards thought I made a mistake.

Q And the question of Mr.Pidgeon saying he was going to pay so much money, was that discussed?

A That was not discussed.

Q Did he say he was going to keep all his money and not pay them?

A I am willing to admit that I think if he was given a chance he would certainly pay his liabilities as he could.

Q He is an honourable fellow?

A Yes as far as that business is concerned.

Q And he is honest as far as the business of the municipality is concerned?

A I am not saying he is not but I am saying as I have said before, that he is very neglectful and inefficient.

Q MR. BRYAN: You have had considerable experience in regard to this question of time sheets in your division. What is your practice with regard to the making of these time sheets?

A The foreman would make them up.

Q With regard to obtaining the signatures?

A He goes and obtains the signatures. I have absolutely nothing to do with that.

Q You had never gone to get any of the signatures?

A No.

Q You left it entirely in the hands of your foreman?

A Yes.

Q The man who was in office before you, did you know what his practice was with regard to that?

A I think it was the same.

Q You were foreman at one time?

A I was for some time.

Q On and off?

A Yes.

Q And it was your duty then to get signatures on the pay sheets?

A Yes.

Q And you went around and got these people to sign their pay sheets?

A To the best of my knowledge I did. It is a considerable length of time ago.

Q And you considered the foreman was the man responsible for these signatures?

A It is considered so.

Q And you were asked about fictitious time sheets and you said you did not know of any at all but you had heard rumors of some in other Divisions?

A Yes.

Q Did you ever know of any persons signing a name at the end of a time sheet other than the party who had done the work?

A Not to my knowledge.

Q And are these time sheets a bother sometimes?

A Yes they are considerable of a bother sometimes before the fore man can secure the signatures.

Q I am suggesting to you that there were times perhaps in all Divisions where difficulties arose and it was practically im-

impossible to get a men's signature or it meant a long trip across your Division, over a small payment of $10 where the names were occasionally filled in?

A That is possible.

THE COMMISSIONER: By you?

A Not that I remember of.

Q MR. BRYAN: You never remember of that having been done at all?

A Not to my knowledge. I never signed one to my knowledge.

Q Neither when you were a foreman or when you were councillor?

A There was absolutely none since I have been councillor and I do not remember any before.

Q Your practice before that was to always have the party sign that time sheet who worked under you as foreman?

A Yes.

THE COMMISSIONER: What do you think of the system?

A I have not considered it very satisfactory.

MR. BRYAN: It is almost impractical I suppose in connection with these small jobs where a man works two or three hours?

A It is very expensive sometimes.

Q It is worth more than the claims were?

A Yes.

Q Have you any suggestion to make as to improvement?

A I understand in Spruce Grove east of us they had a considerable improvement over ours but I have never gone into details for that.

Q You think the system can be materially improved?

A I think so.

Q And I am suggesting to you that even when you were road boss there were times when you had to get signatures on there in

order to put the time sheet through - that they were signed by the parties?

THE COMMISSIONER: Well Mr.Francey says he never did that and I cannot remember it. Perhaps if you know of any particular case you can call it to his attention.

MR. BRYAN: I ask for the time sheet of December 1925, Number 4A and 4R.

THE COMMISSIONER: Whos is the man's name that is supposed to have been signed?

MR.BRYAN: I cannot say offhand as to that. But that can be produced after dinner. I am not trying to cast any reflection but I think in fairness to my clients I want to point out that these difficulties in cases became practically insuperable and a councillor could not help himself.

MR. PARLEE: Well if that is the case is it worth while to take up more time over it?

THE COMMISSIONER: I think what it discloses is careless methods leading to acts without dishonest motives.

MR. BRYAN: I wanted to show that the system itself is at fault. Mr.Parlee asked Mr.McKinley this and that - did you sign this and did you sign this -

MR. PARLEE: I am not here as a persecutor or prosecutor.

THE COMMISSIONER: Mr.Parlee is here for the Commission and for every member of the Council and every ratepayer in the district and for the Government. In the interests of the public the Government have directed this inquiry and Mr.Parlee has been appointed as counsel, not for any individual or class but for the public and the ratepayers in this district. I do not think there is any person here but what thinks it is careless practice

due to cumbersome routine without dishonest motive.

MR. BRYAN: If that is the general understanding. That was the only idea.I had.

THE COMMISSIONER: I have not seen anything to indicate otherwise yet. I have not seen any money go into any councillor's pocket. But if you get a whole accumulation that might be different.

Inquiry adjourns till 2:00 p.m.

At 2:00 p. m. Inquiry resumes.

Q MR. BRYAN: You were mentioning about the question of the Division regarding large machinery. Does that exist today?

A That has not come up for some little time. It was decided we were not buying it.

Q Has anyone advocated buying it lately?

A No not to my knowledge.

Q You spoke about going to Mr.Goertz' place. As a matter of fact both groups were trying to get Mr.Goertz?

A No, because he was on that side and it was never insinuated he was going any other way.

Q You called to take him into town a number of times to see the Department?

A Yes.

Q And you wanted him to support your side of the [illegible]

A He wanted to support it.

Q At the first?

A At the first.

Q Or was it you and Mr.Howatt started it?

A He was willing from the very first.

Q You say at the time you came to his place and there was some mention about these people. Where was Mr.Kreye?

A I presume he was in the house. I don't know that. I did not see him at all.

Q He was not around there at all?

A I did not see him.

Q MR. DUNCAN: Out of these paragraphs in the Commission there is only one of which you have complaint to make. And can you suggest any reason why the Government should go to the expense of all this inquiry through a little desire of your own for house cleaning with regard to the secretary treasurer?

MR. PARLEE: I do not think Mr.Francey ought to be asked that question.

MR. DUNCAN: If the secretary treasurer is not very satisfactory it is a matter of your own housecleaning?

A Well it was no fault of mine.

Q Who is responsible for all this?

A I cannot tell you anything about it.

Q Is it Mr.Pitzler?

A Well I don't know. It is reported to that effect but I certainly do not know.

Q How many trips has he made into the Government?

A Mr.Pitzler is a long way from me. I do not know anything about what he does.

Q The point I want to make is this, there is nothing serious that

[illegible] to temperamental.

Q [illegible] the first?

A [illegible] the first.

Q Or was it you and Mr. [illegible] suggested

A He was [illegible] from the [illegible] firm.

Q You say at the time you [illegible] an

[illegible] about those people. [illegible]

A I presume he was in

him at all.

Q He was not [illegible]

A I did not see him.

Q [illegible]: Has it been [illegible]

only one of which you have complaint

against any reason why [illegible]

of all this inquiry [illegible]

house cleaning with [illegible]

MR. PARKER: I do not think [illegible]

question.

MR. DUNCAN: If the [illegible]

it is a matter of your own [illegible]

A Well it was no fault of mine

Q Who is responsible for it?

A I cannot tell you anything [illegible] it.

you know about?

A What do you mean?

Q In all these alleged charges Mr.Parlee has the only one you can make a complaint of is about Mr.Pidgeon personally?

A Well -

Q Don't you think it is a matter for your own house cleaning and not for an inquiry of this nature?

A Well I certainly -

Q THE COMMISSIONER: Did you ask for the inquiry?

A No,sir.

MR. DUNCAN: Did the council ask for it?

A No,sir, not to my knowledge.

Q Did the ratepayers ask for it?

A I presume so.

MR. PARLEE: I do not want to stop any proper cross examination but why this inquiry is here is of no avail. We have the directions in the Order in Council and it seems to me the questions ought to be directed to the matters that arise and not why it was instigated.

THE COMMISSIONER: Oh well I think it is perfectly obvious.

MR. DUNCAN: You know of no reason why an inquiry of this nature should be held at all?

A We all know we are not in a good condition.

Q That is, financial condition?

A Yes.

Q And is that largely because of the arrears of taxes?

A Well it has something to do with it. But if you go back previous to the depression you will find the taxes run behind $1000 or more for each year for quite a number of years previous to this

investigation.

Q Well you certainly attribute some to the hard times of last year?

A I cannot attribute this to the hard times.

Q Then you cannot suggest any reason for this Commission at all. Is that right?

A I would just like to say that from the fact that the public at large knew that this could not continue in this way.

Q Is your Division number 4?

A Yes.

Q And where does your O.K. appear here?

A (Indicating)

Day Labour Pay Sheet re A.Lyons, for $36.70 filed as Exhibit 20.

Q I notice A.Lyons, the very first name on the list and Asselford is next. Did you get Lyons to sign this?

A He made out that pay sheet as he is foreman.

Q And the cheque for the $36.70 was sent to Asselford? A Yes.

Q And you knew he had not earned the money?

A I have never spoken to him.

Q Does he live near your place?

A No, a considerable distance away.

THE COMMISSIONER: Is Asselford's name on that?

MR. DUNCAN: Yes. And it is signed by Mrs.Pidgeon.

THE COMMISSIONER: Is there anything on that sheet to indicate that Asselford did any work?

MR. DUNCAN: Oh yes, Asselford has three different items on this one pay sheet.

THE COMMISSIONER: Did Asselford get a cheque for any other than the work which he did according to that time sheet certified by

Allan?

MR. DUNCAN: Yes, $36.70 apparently. The very first item.

THE COMMISSIONER: Before th t cheque for $36.70, is there anythin on the time sheet to indicate that Asselford did work for that amount. Is there anything beside his name? He worked so many hours at such and such a place at so much an hour, $36.70?

MR. DUNCAN: No.

Q. THere is not?

MR. DUNCAN: No, sir.

THE COMMISSIONER: But this $36.70 for which he got the cheque?

MR. DUNCAN: Was not coming to him. He did not earn it.

THE COMMISSIONER: Do you know why he got the cheque?

A. I was informed by the secretary that it was a mistake, that they made the cheque out to Mr.Asselford instead of making it out to Mr.Lyons. That is my knowledge.

Q. Does Lyons' name appear on that exhibit as being entitled to $36.70

MR.DUNCAN: His name appears.

Q. THE COMMISSIONER: Does that extend out to show $36.70 owing to Lyons?

A. Yes.

Q. And what has happened to Lyons' name on that sheet?

MR. DUNCAN:He did not sign it at all.

THE COMMISSIONER: Has it been erased?

MR. DUNCAN: No.

A. Evidently according to this he neglected to sign but he signed here as foreman.

MR. DUNCAN: He filled his own name in but he did not sign it as a receipt; he signed opposite Lyons' name?

A. Nothing except just simply a scratch. It was put there just to mark it.

Q MR. DUNCAN: Is Asselford worth the money. Can it be recovered from him?

A Well it is questionable.

Q Now on this Short cheque. The secretary told you the payment had been stopped on that cheque?

A Yes.

Q And until recently there was no money available to pay a new cheque?

A There was money last Fall.

Q But the secretary told you the cheque was mailed and was not cashed through the bank?

A They said it was lost.

Q And payment of that cheque was stopped?

A Yes.

Q And when you spoke there was no money available to pay a new cheque. The banks were not cashing your cheques?

A According to my recollection the banks did not stop cashing cheques till this summer.

Q What about just after the New Year?

A Well just after the New Year. But this cheque was due last Fall.

Q But it was not cashed through the bank and you spoke to the secretary about it?

A Yes.

Q And the information you got was that the cheque was mailed out but had never been cashed?

A Yes.

Q And payment was stopped?

A Yes.

Q And this spring there was no money to issue a new cheque until

recently.Is that right?

A Yes. But that is not saying why that cheque should not have been settled last Fall.

Q Do you know what dates the pay sheets were passed?

A Personally, no.

THE COMMISSIONER: Mr.Duncan has been asking you about the course of this inquiry. There has been friction in this municipality for a number of years, hasn't there?

A Well you are referring to the council itself?

Q Oh yes and factions throughout the municipality?

A I presume there has and I just took that as a matter of fact as far as I was concerned and it was something I paid but little attention to.

Q And there have been some suggestions against councillors generally that they have been using their office for their own advantage?

A There has been remarks of that kind made.

Q And they have been putting fictitious names on payrolls?

A I never heard anything of that until this investigation started.

Q Well you know now I suppose there have been those suggestions?

A Yes I know now.

Q And there have been suggestions of bribery of councillors?

A Yes I have heard that.

Q And by members of the public and perhaps between councillors themselves?

A Yes I have heard that.

Q Well don't you as an ordinary tax payer of this community think

A that it is in the interest of this community and all the ratepayers that when these rumors were being circulated freely through the

district that the Government should for the benefit of the councillors, for the benefit of the municipality, for the benefit of the tax payers have authorized a judicial inquiry so as to clear the atmosphere in regard to all these charges which were being circulated and all these rumors?

A When conditions got as they were at the present time I do not see any other course.

Q So that in your opinion as a tax payer and as a councillor and as a resident here you have no hesitation in saying that the Government was authorized in ordering this inquiry - that it was in the interest of all tax payers and the community?

A I certainly think so if there was no other way.

Q Well what other way do you know of?

A I don't know of any other way.

Q Would you want all the tax payers here to be plaintiffs and defendants in actions for libel and slander and have general turmoil?

A I have no suggestions to make.

Q I think this is a well justified inquiry from what the councillors all tell us.

A Personally I did.

Q Now we have heard a good deal about Pidgeon and we have heard a good deal about the division of these offices. I gather from what I have heard here that while Pidgeon is the man who drew the pay Mrs.Pidgeon was the woman who did the work. Is that correct?

A Well that is presumed so.

Q Now you councillors have come personally in contact with Mrs. Pidgeon?

A To a certain extent, yes.

Q And you have no hesitation that you consider Pidgeon inefficient and negligent in the performance of his duties and not qualified to occupy the position of secretary treasurer of this district. That is correct?

A I would like to say that I would not like to go so far as to say he had not the qualifications, if he had the energy back of it.

Q You say he is not fit to occupy the position?

A Yes.

Q Would you care to express an opin in regard to the manner in which Mrs.Pidgeon has performed her duties?

A Well it would be rather hard owing to the fact that as far as I am personally concerned it is very little talk I have had in that office.

Q Well from the experience that you have had, assuming that Mrs. Pidgeon were given the position and the whole responsibility of being secretary treasurer of this municipality, is she in your opinion capable of carrying on the work?

A No I don't think so.

Q So that while you think the work is divided and two are filling a position which one ought to fill, you have no hesitation in saying that in your opinion neither one of them is competent of carrying the work on alone?

A No.

Q Nor jointly - together?

A No.

Q How long have you been councillor?

A I am not quite sure but I think since 1916.

Q Continuously?

A Yes.

ROBERT HOWATT called and sworn, testified as follows:

Examined by Mr.Parlee:

Q You reside in this municipality?

A Yes, sir.

Q At Carvel?

A Yes.

Q And your occupation?

A General Merchant.

Q And how long have you resided there?

A I have been in the district since 1903 or 1904.

Q And have you been a merchant all that period?

A No, since 1914.

Q And what were you between 1904 and 1914?

A Farming.

Q Where did you farm?

A South of Carvel five or six miles.

Q So you have resided at or near Carvel since 1904?

A Yes.

Q And at Carvel as a merchant since 1914?

A Yes.

Q And you are presently a councillor for the municipal district?

A Yes.

Q How long have you been councillor?

A I am not quite sure but I think since 1914.

Q Continuously?

A Yes.

Q And before at what period?

A 1929.

Q You were Reeve during 1929?

A Yes.

Q And in any event in the last ten years have you been a regular attendant at the municipal meetings?

A Yes, I do not believe I have missed one meeting the whole time. I might have missed two but I do not remember missing two.

THE COMMISSIONER: How often do you meet?

A The regular meeting once every month.

MR. PARLEE: Have you also attended the annual meetings?

A Yes.

Q How many of those have you attended?

A I have attended them all except one.

Q When was that?

A I think about four years ago. I had a severe cold at the time.

Q You know all about this inquiry?

A Yes.

Q And you have seen the various items published?

A Yes.

Q Now I will go over them all, and tell me what recollection you have (Reading clause "A" of Exhibit 1). What knowledge have you of that?

A I have none whatever to that.

Q Have you got any complaints or any information that would lead to any matter of interest under "A" of Exhibit 1?

A No, sir.

Q (Reading clause "B" of Exhibit 1).

A I have no knowledge of any.

Q Have you heard any rumors that would properly come under "B"?

A Yes; but only since this inquiry.

Q (Reading Clause "C" of Exhibit 1).

A No, sir.

Q Have you heard any rumors prior to the commencement of this investigation regarding alteration of time sheets?

A Yes, sir.

Q In connection with what particular divisions?

A I have heard rumors about division 1.

Q Rather persistent and general?

A Oh no, just common talk.

Q That is since the inquiry?

A Yes.

Q But nothing before?

A No.

Q (Reading Clause "D" of Exhibit 1).

A No, sir.

Q Any rumors prior to the commencement of the investigation?

A No, sir.

Q (Reading Clause "E" of Exhibit 1).

A No, sir.

Q Have you heard any rumors prior to the commencement of the investigation regarding "E"?

A No, sir.

Q (Reading Clause "F" of Exhibit 1),

A No, sir.

Q (Reading Clause "G" of Exhibit 1).

A No, sir.

Q Neither information nor rumors?

A Just since the investigation.

Q That would be since what date would you say?

A Oh just within the last few days.

Q (Reading clause "H" Exhibit 1).

A No,sir.

Q (Reading Clause "i" of Exhibit 1)?

A Yes,sir.

Q You have some criticism to make of the performance of the duties of the secretary treasurer, that is Mr.Pidgeon?

A Yes,sir.

Q Will you tell the Commissioner just what criticism you have to make.

A Well, firstly, when Mr.English called us into his office I expressed my opinion there that Mr.Pidgeon -

THE COMMISSIONER: When was that?

A I could not give you the date but I think it was in May. At that time I expressed my opinion that Mr.Pidgeon -

MR. PARLEE: Are you sure that was not April 25th,1931, on or about that date, or on the 21st of April?

A Yes, Mr.English called us in at that time. At that time I expressed my opinion that Mr.Pidgeon was not doing the work of the municipality as it should be done; he was neglecting his duties, he was careless and he was behind in many things in his work.

Q Is this a copy of a letter you received from Mr.English that was the cause of your coming in?

A Yes,sir, that was the letter.

Copy of letter from the Acting Deputy Minister to R.C.Hewitt, dated April 14th,1931, filed as Exhibit 21.

Q Were all the councillors present?

A Yes they were all present and the secretary Mr.Pidgeon.

Q THE COMMISSIONER: Would you mind telling us what he called you in for, first?

A Well at that meeting Mr.English had had some reports on this district from certain councillors of election irregularities, et cetera.

Q Concerning what particular councillors?

A Well Mr.Goertz, Mr.McKinley and Mr.Kreye. Mr.English asked each of those councillors various questions connected with some of the matters we have got here. And Mr.English distinctly asked each councillor if they would resign and I think every councillor there said no.

Q Did he ask you?

A Yes,sir.

Q And what was your reply?

A I said no that I did not think there was any reason for me to resign.

Q And I suppose you did not know of any reason why any of the rest should resign?

A No I did not not at that time. After that Mr.English made a proposition and asked each councillor if we thought Mrs.Pidgeon would make a better secretary. Some of the councillors said yes and some said distinctly they would sooner leave it the way it is as make any change like that.

MR. PARLEE: And what was the attitude of yourself?

A I said I would just as soon Mr.Pidgeon was left where he was than make that change. That was my words to Mr.English.

Q Any conclusion arrived at at that meeting

A I made a proposition that we discard the garage and have o
own municipal office at Stony Plain. I was prepared to bu
full outfit of office furniture and files so as the work w
be done properly and Mr.English said it was a good idea and
is how it should be done. I mentioned we did not have very go
office equipment and we should have more and there too much
hunting for different documents and sometimes it was very hard
to get them when they were asked for.

Q Anything further you want to say about that meeting?

A Oh I think it was mentioned also at the meeting that Mr.Pidgeon
had promised he would try and do better than he had been doing
in the past.

Q Did the four councillors, Messrs.McKinley, Kreye, Akin and Goertz
make any remarks about their opinion of the secretary at this
meeting?

A I think each councillor was asked individually to make some
comment on the secretary.

Q And what did these four say?

A I think they all spoke favourably about Mr.Pidgeon.

Q And what about Mr.Francey?

A I do not remember exactly what Mr.Francey said. I do not remember
that.

Q Was it decided there or did you make any statement at that meeting
you were satisfied with the secretary treasurer?

A No, sir, I did not.

Q What was your opinion as expressed there?

A I expressed my opinion that Mr.Pidgeon was not the secretary that
we needed.

Q Anything about the resignation of Mr.Pidgeon at that meeting?

A I would not say whether Mr.English mentioned anything about Mr.Pidgeon resigning or not.

Q Did you ever hear about Mr.Pidgeon resigning?

A Well Mr.Pidgeon had promised that at some time, I do not know whether it was at that meeting or previous to that, that he would resign.

Q Giving the date he would resign at?

A Yes.

Q How long a period?

A It was previous to the meeting. I had some correspondence and the matter came up at one of the council meetings but in the meantime Mr.Pidgeon changed his mind.

Q Did he say he would resign?

A He said he intended to resign.

Q At what period?

A At that meeting, the first meeting of the year, I think March 15th to be correct.

Q What year was that?

A 1930.

Q Did you ever say anything to Mr.Pidgeon about why he did not resign?

A Well Mr.Pidgeon said for financial reasons that business was not as good as it should be and he felt he needed the salary.

Q And were there any matters outside the secretary treasurer that were discussed at this meeting? Excuse me. Will you tell how long that meeting lasted?

A That meeting lasted I think a little while in the forenoon and the afternoon and after supper.

Q How much of the afternoon?

A From two to five I think.

Q And in the evenin how long?

A About two hours.

Now did you discuss other affairs of the municipality beyond that of secretary?

A Yes. I think we discussed finances.

Q Any other complaints or criticisms?

A Yes, I think Mr. English mentioned some of the charges that had been made against Mr.Goertz, against Mr.McKinley, against Mr.Kreye.

Q Anything done about them?

A No there was nothing done about them. I think they denied them.

Q Have you anything else to tell his Lordship about the meeting on that date, on the 21st of April?

A No I do not think there is anything else that happened at the meeting, no, as far as I can remember. I may have overlooked some things but that is all I can remember.

Q It appears that you engaged Mr.Pidgeon this year at the rate of $1700 a year?

A Yes.

Q When was that?

A That was at a meeting we had at Duffield but I was away when that appointment came up. I left the meeting at twelve o'clock midnight, and the meeting continued till one a.m. in the morning and that was done between twelve and one.

Q So you were not a party to his getting an increase of salary?

A No.

Q Were you willing for that?

A Previous to that his salary

we said at the first meeting owing to financial conditions we would leave it till next meeting. And the next meeting he was voted an advance of $100, I think, by Mr.McKinley and it did not carry. I was at that meeting.

Q What was your attitude towards the re-engagement of Mr.Pidgeon?

A Well I do not think he was re-engaged. I do not think he was dismissed.

Q THE COMMISSIONER: What was your attitude towards paying him a higher salary?

A Well I voted against it at that meeting. I was rather surprised at that next meeting that he had had this increase in salary.

MR. PARLEE: Subsequently there was a motion that Mrs.Pidgeon be engaged at $800 a year. Do you remember that motion?

A Yes.

Q And Mr.Pidgeon be paid $900 and Mrs.Pidgeon $800. Did you support that?

A Yes.

Q What explanation have you of that?

A When Mrs.Pidgeon brought that before the council she states she had been doing all the work and it was only right she should have some of the money for the work she was doing. She also mentioned that there was liable to be some attachments to Mr.Pidgeon's salary. She also mentioned that they were in debt and they would pay every cent that they owed but they did not want anybody to take it; it was too expensive. I have no doubt that Mr.Pidgeon will honor all his debts.

Q That is your view?

A That is my view. I voted for that. I may have made a mistake, I admit, but I did it.

Q Have you any other comments to make on the secretary treasurer as to why you think he is incompetent or incapable?

A Well there are various comments come up from time to time. There are past things that have caused me to take that stand.

Q Tell me did Mr.Pidgeon offer you a cheque last December?

A As far as I remember on the 15th of December Mr.Pidgeon handed me a cheque for around $38 and some odd cents.

Q That would be last December?

A Yes, the day he was collecting taxes at Guyld's store.

Q And he came to your store?

A With all his books and papers and he was collecting taxes before the five per cent penalty went on the taxes and he handed me a cheque for $38 and some cents. I looked at that cheque a minute or two and I handed it back and I said:"I do not believe that is for me, there must be some mistake about it" and he said he did not know what it was for and probably Mrs.Pidgeon would. Now he pinned that cheque on to some papers he had on the counter and he took that cheque away and I have heard no more about it.

Q Was there any such sum coming to you?

A I do not know of any at that time.

Q Do you know of any now?

A No.

Q Was there any money due to you directly or indirectly or payable to you at that time?

A I do not think there was.

Q Was there any reason known to you why he should offer you a cheque for $38 or thereabouts?

A No I could not tell you except that there must have been some mistake about it.

Q Did you make any inquiries about it?

A I asked Mr.Pidgeon to let me know what became of the cheque.

Q Have you asked him recently?

A No I have not.

Q The next time you came to Stony Plain did you ask him?

A No I did not. Mrs.Pidgeon spoke to me about it the next time I came in.

Q And what discussion did you have with her about it?

A I said I got the cheque and I did not know it was for me and so I handed it back.

Q Did she make any comments about it?

A Oh yes she said several things. I don't remember what she said.

Q What was the tenor of her remarks to you?

A She said I should not have told anybody about it.

Q You did tell people about it?

A Yes I told two parties. I told Mrs.Howatt and Mr.Francey about the cheque but I never thought anything serious about it. I thought it was simply some error Mr.Pidgeon had made and if I had thought anything about it I might have kept the cheque.

Q And have you been able to find anything about it?

A No.

Q Did you ask Mr.or Mrs.Pidgeon recently?

A No.

Q And you have no reason to know why they offered you a cheque for some $38.00?

A No, I have not.

Q Now you have been in the room during this investigation have you not?

A Yes, sir.

Q You have heard some mention of you and Mr.Francey calling [illegible]

Mr.Goertz' house?

A Yes,sir.

Q When was this incident?

A In the spring of 1930.

Q And had it been your custom to call for Mr.Goertz?

A I had been passing his house all that year and generally picked him up. This day in particular I had phoned him from homebefore I left and I said I would be there inside of half an hour. I picked up Mr. and when I got to Mr.Goertz' place there was another car in the yard and Mr.Goertz came out to my car and put his head in the window and said: "Mr.Kreye is in the house and he has got a bottle of whiskey in there." So there was very little said there and I drove on to Stony Plain. Later in Stony Plain - one hour afterwards more or less - Mr. Goertz confirmed the report that Mr.Kreye had gone over there with a bottle of whiskey in spite of the fact that I told him I was calling for him. Mr.Kreye went out of his way to go to Mr.Goertz' house that day for some reason unknown to me.

Q THE COMMISSIONER: Would MrlKreye be passing Mr.Goertz' place?

A No he does not pass there. He is a long way from there. Mr. Kreye came into Stony Plain first that day before he went out there.

Q MR. BRYAN: How do you know that?

A I know that because he left August Kreye somewhere at the garage.

Q MR. BRYAN: He was not even here but was at home. I object to this kind of evidence.

THE COMMISSIONER: Did you hear from either Kreye or Goertz?

A Mr.Goertz said August Kreye had spoken to him on the phone and said they were sending a car out for him. And he mentioned the

fact that I was going to pick him up, but still the car came.

Q MR.PARLEE: Did this raise any suspicion in your mind?

A Yes it did.

Q In connection with what, particularly?

A In connection with the dismissal of the secretary at that date.

Q And before the meeting or at the meeting did you discuss with Mr.Goertz about his change of mind, if he was going to have any change?

A Yes I said to him:"Are you going to vote with us today" and he said yes.

Q Do you know what words you used?,

A Those words, I think.

Q And he said what?

A He said yes.

Q And was there a vote that day?

A Yes and he voted against us.

Q After you came to town you saw Goertz?

A Yes, met him on the street.

Q And were you anxious over the matter or were you curious about it?

A No, Mr.Goertz had gone to a lot of trouble all that year to go to the Department with Mr.Francey and myself about Mr.Pidgeon's inefficiency and the Department had made up their mind and Mr. Goertz had that that meeting that day would probably decide the matter.

Q And you met Mr.Goertz on the street and asked him what?

A I asked him if he was going to be with us today on that business and he said yes.

Q Now Mr.Goertz had prior to this been associated with you and Mr.Francey against the secretary treasurer?

A Yes.

Q And what vote was taken that night?

A Well I think Mr.Kreye made the motion that we hire Mr.Pidgeon at a certain salary.

Q What was the salary?

A I do not know, but the minutes will be there.

Q That was what day?

A March 13th,1930. I think Mr.Kreye made the motion.

Q I am reading from Exhibit 15, page 20, meeting of March 13th, 1930 (Reading). Is that the one?

A Yes,sir.

Q Against that would be whom?

A Mr.Francey and I.

Q You said that Mr.Goertz had gone with you to the Department at Edmonton. Under what circumstances did he go and for what purpose?

A Complaints about the secretary.

Q Did he go with knowledge or did you ask him to go or upon what circumstances did he go?

A I did not ask him to go. He went on his own accord with Mr.France and I.

Q Did he know why you were going?

A Yes.

Q And you went to the Department for what purpose?

A Well to talk over the Secretary Treasurership with the Department

Q And what was Mr.Goertz attitude then?

A He was very much against Mr.Pidgeon.

Q For what reason?

A General reasons of his own I suppose.

Q What was discussed. Was it with Mr.English you went?

A Yes.

Q And was there any particular charge or just one of inefficien

A Just one of inefficiency I think.

Q Do you remember a motion made by Mr.Goertz that the Secretary Treasurer be removed, I think it was?

A No I do not remember that.

Q I am reading from Exhibit 14, Page 235, a meeting of May 31,1929, at which there were present Mr.McKinley, Mr.Howatt, Mr.Goertz, Mr.Kreye and Mr.Francy. Do you remember that vote?

A Yes,sir.

Q Do you know what led up to that motion being made by Mr.Goertz?

A No, just general inefficiency I would think.

Q Do you know anything else to say about the secretary treasurer?

A Oh I do not think any more than what has been said.

THE COMMISSIONER: Well do you think if Mrs.Pidgeon had been given complete control she would have been capable of doing the work?

A No.

Q I would like to have some more specific instance of incompetency on the part of Pidgeon. You say he went to you and gave you a cheque for $38 to which you were not entitled and which you said must be a mistake. Now in your contact with him what other indications have you observed of inefficiency on his part?

A Well there was one case in particular. The auditors did not apparently have the proper figures put before them for the financial statement. I will say that for one case.

Q Were you there?

A That was when he made up the books for the year -

Q Where did you get your information in regard to that?

A Well we know those figures. At one meeting in December at Duffield Mr.Pidgeon was told distinctly to draw the auditor's attention to certain motions in the minute books connected with grants so that the auditors would have the figures right for a division of the money. And I think Mr.Pidgeon either forgot, at least when the auditor's statement came out the mistake was there.

Q But do you know whether Mr.Pidgeon called the auditor's attention to that?

A I would not say whether it was Mr.Pidgeon or the auditor. I would not say that.

Q Somebody made a mistake?

A Somebody made a mistake.

Q And either Pidgeon or the auditor and you do not know which one?

A No.

Q And it might not have been Pidgeon?

A It might not have been Pidgeon. I will say that.

Q What else is there?

A At a special meeting at Stony Plain one night at nine o'clock in Mr.Pidgeon's garage, a motion made by George Akins that we pay the Bank of Commerce the outstanding loan of $1929 by the Government grant of $7000 which was then given to the district.

Q For what purpose?

A To pay off the old loan of $1929 which was around $7000 we figured we would get this grant and would pay off that loan.

Q What was that grant given to you for?

A That is given us every year for road work. It is a cheque for $7000 odd.

Q That was not a grant to you by the Government to pay your debts but to spend on road work in the future?

A No; that money was earned.

Q It was all earned?

A All earned money.

Q You could do what you liked with it?

A Yes.

Q Had you paid all your road debts?

A No I do not think we had.

Q How much did you owe for the road work?

A I do not know.

Q You would not think if the Government gave you $7000 for road work and you had not paid all your bills on the road work you could tell Pidgeon to pay off your debts other than road debts?

A No. We had a note at the bank.

Q I want to get you clear. If the Government gives you a grant for $7000 for road work in your district do you think you would have authority to tell the clerk to pay any debts off other than road work?

A We had borrowed money from the bank and we had paid for our road work lots of it. The Government was only paying back money we had already spent.

Q But had you spent $7000 on road work?

A Yes and more than that.

Q Which would entitled you to take this money?

A Yes I think so.

Q Well if you had you were all right and if you had not you were all wrong?

A We had spent far more than that and had borrowed money to pay for the road work from the bank until this money came in from the Government. That is what we generally do.

Q I suppose your secretary treasurer could tell you if he kept his books in order?

A My main point about it is this, that the bank manager was to see that minute next day and arrange to pay off the old loan providing he would give us $7000 more and bring the loan into the current year and carry on. That cheque was paid into the bank and our credit at the bank was stopped. One month later Mr.Yates was at the meeting and he said he knew nothing about that minute. That was a new one on him. That was the bank manager. That caused us to change our bank from Stony Plain to Edmonton twice. We went to the Bank of Toronto at Edmonton.

Q He cut off your credit?

A Yes.

Q And Yates said he knew about the condition on which that loan had to be paid?

A Yes he said he did not know anything about it at all. That minute was to be presented to the bank the following day after our special meeting.

Q MR. PARL : What was the date of that?

A That was about September 1930.

Q Special meeting August 18,1930, page 40, Exhibit 15.

A Probably that is the date.

Q (Reading).

A Yes, that is the one.

THE COMMISSIONER: And who did business with the bank on your behalf?

A The Reeve and secretary.

Q And did you see the bank about that. Were you Reeve then?

A No I was not. Mr.Goertz was Reeve.

Q And was Mr.Pidgeon instructed to call the attention of the bank to that resolution?

A Yes the district was in distress. There were cheques here to be cashed and we had to make immediate arrangements.

Q And you would not have paid that $7000 to the bank unless they agreed to give you a new loan?

A That was the idea the council had.

Q Did you ever talk to Mr.Pidgeon about his failure to call attention of the bank to that resolution ?

A No. It was brought up at the next meeting and Mr.Yates was there and he said that is the first he heard of it.

Q Was Mr.Pidgeon there?

A Yes.

Q And what did he say to that?

A I don't think he said anything.

Q MR. PARLEE: I want to remind you that you told me before about the way the minutes would meet - the amount voted for road work. Do you remember this?

A Yes.

Q Tell the Court what you told me about that.

A Well in April of this year there was a motion made on the books to pay Division 1 $4000 and Division 5 $2000 out of general account and $500 from the Department. That motion was made in April. Another motion was made in May or June voting another amount to each of those divisions. I think there was another amount voted for Division 5 of $3000.00. There was also another motion on the books that all grants be made out of general account. I do not think those motions have been rescinded.

Q The motions are not so important,but what are you trying to show

his Lordship.

A I am trying to show his Lordship that someone should look after those minutes and have them rescinded and put in proper shape. The Minutes of the April meeting should be rescinded.

Q At the present time the Minutes would allow you to expend how much?

A $8000.00.

Q And is that the intention?

A No.

Q And what is it the intention to spend?

A Well between $3000 and $4000.

Q And you say it is the duty of the secretary to keep you straight as to that?

A Well unless the auditor gets them how can he balance up?

THE COMMISSIONER: The Secretary Treasurer could not rescind or cancel a motion.

MR. PARLEW: What he says is this, that when the matter comes up the secretary should say:"But you had a motion for that."

A Yes, either the Reeve or the secretary.

MR. DUNCAN: I don't understand you.

THE COMMISSIONER: As I understand Mr.Howatt, they pass a resolution making appropriations and subsequently they would pass further resolutions but the secretary did not inform the council as to the contents of the previous minute and instead of making their resolutions on accurate information they would go stumbling along and they would not know what their accurate appropriation was. Is that it?

A Yes,sir.

Q And it is the secretary's duty to provide the information for the

council?

A Yes.

Q MR. PARLEE: You told me about this $38.00 cheque. Do you remember that?

A Yes.

Q On August 5th I asked you if after that you spoke to Mr.Pidgeon about it?

A I have never spoken to him about it.

Q Did you ever ask him to look up his books to see if he had it?

A No only that day when he handed it to me I told him to take it back and if there was a mistake and it was not comin to me to destroy the cheque. Mr.Pidgeon spoke to me over the phone about that cheque and Mr.Pidgeon could not remember it.

Q When was that?

A I would think that was two months ago. And Mr.Pidgeon informed me then that he had used the stubs of the cheque books, for pads.

Q What did he ask you?

A He asked me for the cheque and I asked him if he could not trace it in his cheque book and he said no he had destroyed the stubs.

Q Was there any inquiry being carried on then about this particular cheque?

A No only by Detective Coggles.

Q Do you know whether Detective Coggles was in the division at the time?

A Yes. I think I spoke to him.

Q Did Mr.Pidgeon see Mr.Coggles in the office?

A Yes.

Q And he called you up to ask you about this $38 cheque and you

told him?

A Yes.

Q And did you say:"You should have a note about it in your books?"

A Yes I said:"Can't you trace it in your cheque book?" And he said: "No I have destroyed the stubs."

Q Do I understand you to say he had destroyed the stubs?

A I don't know whether he destroyed them or lost them,but he did not have them anyway.

Q Mrs.Pidgeon got after you about it?

A Yes some time later.

Q And was she annoyed?

A Yes she was very much annoyed.

Q And what did you say to her?

A I said I was glad I did not take it.

Q And still are?

A Yes.

Q Have you anything else to say about the secretary treasurer?

A THE COMMISSIONER: You have given us evidence about the w38 cheque and you have given us evidence he failed to keep his records in order and that he destroyed the cheque stubs for the year 1930, which should not be done. And what else?

A Well I think in the spring of 1930 there was a by-law to be voted for in Division 2 and owing to the notices not going out we were not able to vote on the by-law. It was a herd by-law. I do not know much about that. But that was a complaint from Division 2.

Q Well that is a very important matter, if you have a secretary treasurer and the council pass a by-law authorizing a vote to be taken. Have you any particulars about that?

A MR. FAHLEN: No, My Lord.

Q MR. PARKER: Tell I would like to know something about that. Surely the Secretary Treasurer after you passed this a by-law and he is told to arrange for the vote and he neglects; that is certainly worth considering. Tell us all about it.

A I cannot tell you.

Q You passed a by-law did you?

A Yes it was to be taken the same day -

Q No. I want to know the by-law and the Minute Book. I want a copy of that.

A I think it would be in the spring of 1929.

Q MR. PARKER: What meeting was it?

A Well I don't know.

THE COMMISSIONER: Were you a councillor then?

A Yes.

Q You recall the by-law being passed?

A No but I know the arrangement should have been taken to vote at the poll and some arrangements were made and some were not.

Q And you never missed a meeting did you?

A No.

Q And these by-laws were very important matters?

A Yes.

Q Are you prepared to say whether or not the by-law was ever passed

A Yes there was a herd law in Division 2 and there was another rule taken to bring it back to open range.

Q Do they realize had it to have.

A We generally give them three readings.

Q You give two first and second readings [illegible] of the tax payer?

A Yes.

Q And when did you take your first and second reading?

A Well to tell the real truth about it I believe we have been somewhat careless with our by-laws.

Q You think council as well as secretary treasurer have been careless do you?

A Probably, yes.

Q MR. ENGLISH: May I say that that class of by-law has not been voted on unless requested by a number of the electors; it has to be posted. Possibly it was posted.

THE COMMISSIONER: He says it was not posted and the secretary treasurer did not take the preliminary steps.

MR. PARLEE: There is a minute here dated May 3,1929 (Reading).

A Yes that would be it I believe.

Q Is that where the petition was put in by Donald McDonald?

A Yes there was a petition sent to the council to make that an open range and the rate payers was to vote on it again.

Q Here is a meeting of July 12th (Reading). Is this the one?

A Probably it is.

Q MR. PARLEE: Well I will have that all looked up.

THE COMMISSIONER: Your complaint is that he never posted notices advising the rate payers of this by-law and giving them an opportunity to petition for a by-law. Is that it?

A There was some things forgotten, so that they could not vote. That is all I know about it.

Q Would not the minutes disclose everything that was done in connection with these by-laws?

MR. PARLEE: Oh they should. I will have it looked up.

Q Were you able from time to time at meetings to get information from Mr. Gibson?

A Oh sometimes he could give it to us and sometimes he would guess it and tell us something about what he thought it was.

Q Is that one of your grounds of complaint?

A It is generally.

Q Now tell us about the White case.

A The only thing I want to say about the White case is this, that when the trial came up in Edmonton that the council was not advised about that trial case coming on in Court. We had a meeting about a week previous to that, if my memory serves me right, and the first I knew about it was when I picked up the Edmonton Journal and seen the result of the trial in the paper.

Q You knew there was such a case?

A I knew there was such a case pending.

Q How long had it been going on?

A For two or three years.

Q And would you have liked to have attended?

A I think some of the councillors would have liked to attend it and get the run of the case. We were all in the dark except Mr. Hawkins.

Q Who was Mr. Hawkins?

A He was Reeve at that time.

Q And from the time you mentioned it at the meeting did you know anything about it until you read it in the paper?

A No we knew very little about what was going on.

Q Is that the article you read in the paper (Portion of newspaper produced)?

A Yes.

Q Do you remember the date of that?

A No.

MR. [illegible]: April 19th, 1928.

THE COMMISSIONER: Well what is the purpose of this White Trial. It has been before the Courts and the Municipality have paid. Now what is the merits of it?

MR. PARLEE: I will tell you. As a matter of fact the White quarter was eventually sold for how much money?

A The district sold it for $332.

Q And within a few months it was sold by the purchaser for how much?

A $2880.00.

Q The point of bringing it up is this, you got into a lawsuit. Who do you blame for the lawsuit?

A I would not like to blame the secretary because that Act was being changed at the time and was very complicated and we had had advice from the Attorney General's Department, one said go ahead and the other said don't, but I am not concerned with that part of it. What really annoyed the council -

Q THE COMMISSIONER: Do I understand you got two different advices from the same Department?

A No, some one said go ahead with it and some said don't go on with it.

Q MR. PARLEE: Who do you blame for getting you into the difficulty?

A I would not like to blame the secretary for it on account of the complicated Act as was explained by different lawyers. I would not blame the secretary for that part of it.

Q Would you blame anybody?

A I think the law might be made a little more plainer for secretaries to read.

Q Anyway it cost the district how much?

A $4200.00.

THE COMMISSIONER: For which he says he blames the members of the Legislature of this Province for putting on the statute books statutes which the ordinary man cannot understand. Is that it?

A Much the same as that, yes.

MR. PARLEE: It was sold to Boness for $332 and within a few months was sold by Boness to Hoffman for $2880. It has been intimated that Boness is a relative of Mr.or Mrs.Fidgeon or one or more of them, which I am not saying is correct. It is a rumor which I want allayed; that is all. That is in favor of Mr.and Mrs.Fidgeon. I think that rumor must be quieted down. There is another rumor that from the sale to Hoffman Mr.and Mrs.Fidgeon were paid a certain amount of money. Now do you know anything about this?

A No I do not.

Q You know the quarter was sold to Boness for $332?

A Yes.

Q And the understanding is he sold it to Hoffman within a few months for $2880.00?

A Yes.

Q And the whole matter cost the district something over $4000?

A Yes.

Q You are not blaming Fidgeon for anything of this?

A NO.

A THE COMMISSIONER: Was it a good open sale by public auction? Could anybody come in and buy it?

A Till the district got possession of it it was. But I don't believe the second sale was brought before the council.

Now about the sale by the Municipality?

MR.PARLEE: Now was it to be sold for $332.00?

A As far as I remember the transaction was never brought before the council.

Q Who carried out the sale?

A I don't know.

Q It is a matter that you want enquired into?

A Well it is a mystery as far as I am concerned at the present time.

Q THE COMMISSIONER: When you sell lands that way do you pass a resolution?

A Well any quarter that we sell now, after being in trouble with the White case we are very careful about it. It comes up before council and is very well discussed.

Q But what was the statute law that governed you at that time?

A To put the land up for auction.

MR. PARLEE: It was very difficult to say what the law was at that time.

THE COMMISSIONER: Now you knew about this trial and I suppose you passed a resolution in regard to fighting the case, did you?

A We hired Short & Cross, solicitors.

Q Well by resolution on your minute book?

A No. The order was to the solicitor to go ahead with it.

MR. PARLEE: That was two years before the trial?

A Yes.

THE COMMISSIONER: And would you pass a resolution authorizing Short & Cross to act on behalf of the municipality?

A Yes.

MR. PARLEE: And your complaint is that from October 1926 or thereabouts to the time of the trial you were not so informed?

THE COMMISSIONER: When you had passed that resolution would you appoint someone to interview solicitors and make arrangements

with them?

A Yes.

Q And would the council communicate with the secretary treasurer and the Reeve? Would you expect that Pidgeon, the secretary treasurer, would communicate with every member of the council or call a council meeting when he received any communication from the solicitors in regard to that action?

A Well I thought the least he could do seeing there was a trial against the municipality that might cost us anything from $2000 up to $5000-

Q Well would the Reeve know about this trial?

A Well the Reeve knew about it at the last minute so I understand.

MR. PARLEE: Your complaint is that you were not notified of the trial although there was a meeting shortly before?

A Yes.

Q Have you anything else to say about the secretary treasurer?

A I don't know of anything else.

Q Will you now tell the Court if you have any knowledge or what knowledge you have of the tractor of Mr.Kreye's that was used?

A As far as I remember when that tractor business came before the council the council discussed it and I think Mr.Kreye had work done before it was brought to the council. I think the deed was done before the thing was brought before the council. I think if it had not been done Mr.Kreye would not have continued with his tractor.

Q What did you say to Mr.Kreye?

A Well Mr.Kreye spoke about putting it in Walter Allen's name and I said: 'Well it was your tractor and if I was you I would put the thing in my own name and face the mistake; you have done the deed.'

Q Was that done?

A As far as I can learn right now it has not been done. It was put in Walter Allen's name.

Q And what do you say about Mr. Akins' application for reduct. of taxes on the southwest quarter of 35-51-3?

A Well Mr. Akins asked a re-bate of something like $13.60 on a quarter of land that his wife had bought at the tax sale that spring and the council could not see their way clear to allow him that rebate, and we did not.

Q What did you say?

A I said I did not see anything in the Act that would allow us to pass a rebate to another councillor under those conditions.

Q Have you ever seen a chairman of the school district at Newassin about it?

A He asked if we had given him that rebate and I said no.

Q THE COMMISSIONER: Well it might have been for his wife?

A It might have been for his wife or for himself.

Q But you said you did not think you could give another councillor a rebate?

A I said I did not think it was right for the council to sit and give a rebate to another councillor on land on a 1930 assessment.

Q And when you said about the other councillor, what did he say?

A He said he thought it was right and all the rest of it.

Q Did he dispute it was his land?

A No, there was no mention about whose land it was. It was referred to as the quarter bought at the tax sale.

Q Have you anything to say about machinery purchased or negotiations for machinery?

A No, I always voted against buying big machinery.

Q Have you any knowledge or information to enable us to obtain any

information as to any councillors being promised or obtaining any benefits or advantages for voting?

A No, sir.

Q Have you heard of such rumors?

A No, sir.

Q You know of no improprieties in connection with the purchasing of machinery?

A I do not know of any.

Q It has been intimated to me that one D.Tyrell agreed to do certain assessing for $800 and was paid $150 in addition. Do you know anything about that?

A Yes, that was for the whole district.

Q When was the assessment made?

A In 1929.

Q Did you ask for tenders or offers to do the work?

A Yes.

Q And did you receive a number of offers?

A I think we had three or four.

Q And you accepted this man Tyrell at how much money?

A $800.00.

Q And you paid him $150 in addition?

A Yes.

Q How did you pay that?

A Well he said at the meeting he did not know he would have to make so many trips to Edmonton and it ran him to a whole lot more expense than he thought it would and he also said he had contracted too little for the job so the council decided he was entitled to $150 more.

Q And did you think it was fair and proper?

A Yes I thought it was at the time, yes, I thought it was.

Q I am instructed that Mr.Goertz in his division has spent some $2500 more than was allocated to him on roads. Is that correct?

A I don't know the exact amount but I understand he has spent some.

Q In what year?

A 1930.

Q A considerable sum of money?

A Yes.

Q Had there been a resolution passed by council that no monies -

A It was in connection with Edmonton Beach. I think you will find a minute on the books moved that the Government build that Edmonton Beach road 100 per cent, that it was not up to us to build that road. That is the road from the Jasper Highway.

Q And that is in Mr.Goertz' district?

A Yes, in his Division.

Q I am reading from Exhibit 15, page 34, May 14,1930 (Reading). That resolution was carried?

A Yes.

Q What is the fact about the road?

A Well Mr.Goertz graded the road and did considerable work on it.

Q Subsequent to that?

A After that.

Q Is that in defiance of that resolution?

A I don't know if you would call it defiance.

Q Anyway, on this road you thought the Government should build itself Mr.Goertz has spent a good deal of the municipal money?

A Yes.

Q Could give us an approximate figure?

A I don't know but I would think between $2000 and $3000. I think

he contracted with a big machinery outfit and it really cost us more than it should have done and he did not really intend to spend the money he did spend there.

Q Would you say that was an impropriety or irregularity?

A No, I would not say it was.

Q What would you say about it?

A I would say it was an experiment with the big machinery.

Q Do you think Mr.Goertz should have gone on and spent the municipal money after the passage of that resolution?

A No I don't think he should have gone so far.

Q Would you say it was an irregularity?

A Well I would say a bad judgment.

Q Would it be your thought that after the passing of that resolution that the municipality should build this road?

A No. I wanted the Government to spend the money on that road.

Q Why do you think that is a Government road?

A Well it was a good road as far as Mr.Goertz ratepayers were concerned - they had a good road for themselves, and he had other ratepayers who had been in the country a number of years who had no road yet and the idea of this district spending all that money on a road to benefit tourists or Edmonton people, I think it was up to the Government and I think it is now.

Q That is Edmonton Beach is a pleasure resort of people outside of the district?

A Yes.

Q And for the people living on the road before this, I understand you to say you thought it was a fair road?

A Yes.

Q And in as much as there were other roads that were more necessary

than this particular one?

A Yes, I would think so, as far as his ratepayers were concerned.

Q You are not giving an opinion as to whether you think it was an irregularity or bad judgment?

A There was a delegation came out from Edmonton and they were at the council meeting here and I think they tried very hard to get this district to go ahead with that road and gravel it. And Mr.Goertz had a lot of pressure on him at that time from Edmonton and from Mr.Barrie.

Q Who is Mr.Barrie?

A He is a large property owner at the Beach.

Q Did he put the beach on?

A Yes.

Q And your view is that Mr.Goertz yielded to pressure?

A Yes.

Q So far as you know there is nothing improper in that?

A No. He has yielded to pressure, that is all.

Q What is the policy of road programs in a municipal district like this? Do you all meet together and lay out the program for the year and the expenditures that have to be made then for upkeep and repair?

A Yes.

Q And you apportion the money?

A Yes.

Q Now if you were to expend in your division number 5, $2000 would you tell all the councillors the piece of road that you wanted to spend that money on?

A According to the Act you are supposed to hand to the secretary and it is supposed to go to the minutes where we are spending

the money each year and that would be approved by all the council.

Q And in regard to this Edmonton Beach road the council not only did not approve of the expenditure on it but disapproved of it?

A They disapproved of it.

MR. PARLEE: Your objection is that having passed this resolution Mr.Goertz ought not to have gone on with it?

A I think he would have been wiser if he had kept away from it. It would have been better for his division.

Q But has any councillor the power to disregard the resolutions of council as a whole and spend the money as he sees fit?

A No,sir.

Q Because if that is so I do not see the benefit of a counil.

MR. ENGLISH: He has no authority whatever except in case of emergency.

THE COMMISSIONER: In the face of that resolution has council as a body done anything to recover this money from Goertz?

A No, I don't think so.

Q Have the councillors as a body done anything to institute any proceedings against him for wilful violation of the resolution of the council?

A No.

Q Have you considered it at any of your meetings?

A No,sir.

Q Have you taken any legal advice in regard to the expenditure of that $3000?

A No,sir.

Q Do you think it would be wiser not, or do you propose to let councillors disregard your resolutions and spend money just as

they see fit? I will leave th t for you to consider.

Q. MR. PARLEE : There was an inspector in Mr.English's office, Mr.Renshaw?

A Yes.

Q Do you know anything about the destruction of the ballot boxes?

A No.

Q Did you know Mrs.Pidgeon had received instructions to retain them?

A No I do not know that. I think at one meeting Mr.Pidgeon mentioned something about it that he had had a letter from the Department, but Mrs.Pidgeon had not seen this letter.

Q But this information came after the contents were destroyed?

A Yes.

Q Have you any complaints or grievances or any information leading to any matters that would be pertinent to this inquiry?

A No I think that is all I have.

MR. DUNCAN: You have been a councillor about twenty years?

A No I don't think so.

Q How many?

A Ten.

Q How many elections have you had in that time?

A Five.

Q Were you opposed each time?

A No, I have only been opposed once.

Q In other words, you are about the most popular councillor out here?

A No I don't think so.

Q You know a man called Prussia?

A Yes.

Q He was your weed inspector?

A Yes.

Q And you run a general store?

A Yes.

Q And you get orders from time to time on the secretary?

A No, absolutely not.

Q Do you know if Mr.Prussia gave an order on the secretary?

A He was the weed inspector. He had a cheque coming to him for his work done that summer. Mr.Prussia was leaving for England and he had gone to Stony Plain to get his money and he could not get it. He did not owe me one cent. I accommodated him and the district and the district did not accommodate me.

Q Do you know if Mr.Prussia gave an order on the district to pay you the money?

A He did.

Q And this cheque which Mr.Pidgeon turned over to you or showed to you, did it represent the money that Prussia should have had?

A I don't know that.

Q You know Mr.Prussia's signature?

A Yes.

Q And that is his authority to turn over the cheque to you?

A Yes.

Q And you had advanced him money that he paid back himself?

A No I did not advance him.

Q Well what assistance did you give him?

A I did not give him any. He left a man and his wife on his land and he told me to look after their wants till he got back from England. He did not owe one cent of taxes and he was not indebted to me. It was an accommodation to him and the district that I arranged this thing for him before he went away.

Q It was a credit for the groceries for the people on the farm?

A Yes. That cheque amounted to $21.00.

Q You got a cheque for $49.05 on account what was owing to Mr. Prussia from the municipality?

A Yes.

Q That was in December 1930?

A Yes.

Q And on the strength of this order you got this cheque from the municipality?

A Yes.

Q To pay for the groceries supplied to the man on the farm?

A Well he had not got them yet.

Q Anyway, so far as you know the order was never cancelled that Mr. Prussia had given to the municipality?

A No.

Q And there was still a balance over and above $49 coming to Mr. Prussia?

A Well I don't know how much the municipality owed Mr. Prussia.

Q Do you remember the cheque Mr. Pidgeon showed you that day with Prussia's name on it?

A No I did not notice it.

Q And do you remember Mr. Prussia came back the next year?

A Yes in the spring.

Q There would be nothing irregular if the cheque was taken out to be turned over to you as far as Pidgeon was concerned?

A No I would not think so. What is the amount of the cheque?

Q One is for $49.05 and the other $15.75..

A Well I only got the one.

Q When did you first join the council?

A Probably 1910, something about that.

Q And were you on when Mr. Pidgeon was appointed first as secretary

A Yes.

Q And he did not seek the job?

A Well Mr.Olson was hired, he worked for a month and he resigned in favor of Mr.Pidgeon.

Q And Mr.Pidgeon's salary was raised every so often from year to year?

A Yes.

Q And again raised this year?

A Yes.

Q One of the reasons was that he had a little extra work to do this year?

A He had a lot of extra work to do.

Q On account of the schools being taken into the municipality?

A Yes.

Q And you as a councillor considered he was worth a little more money than he was before?

A I would think any secretary was.

Q And $1700 is not more than a reasonable price to pay any secretary?

A No. I think it is small.

Q You said in this conversation with Mr.English in his office that Mr.Pidgeon promised to pay more attention to his business?

A Yes. He gave us that promise.

Q And has he been doing it since?

A He might have been improving a little.

Q Has there been no change?

A Well I was asked the other day by some of the tax payers why they had not got their notices.

Q One of the suggestions was that there was not enough office furniture and you thought you should buy some more?

A I think it should be fully equipped to give the secretary every chance to keep things in order.

Q And it has been more satisfactory since you had your own office?

A Yes.

Q And you have had no complaint to make since the office has been run on its own location?

A Yes.

Q As far as you know Mr.Pidgeon is an honourable man?

A Yes I have nothing against his character. Remember that.

Q He may be dilatory?

THE COMMISSIONER: There is not the slightest suggestion of anything of dishonesty either on the part of Pidgeon or his wife?

MR. DUNCAN: And the work is done and done properly?

A Well I would not like to say. Some things might not be done properly.

Q Well give us some of the things?

A I don't know of any particular case.

Q The information which you would ask for at a meeting, you were sometimes slow in getting it?

A Yes.

Q And you told his Lordship you thought that was perhaps because of not having a complete filing system?

A Yes, and when he had the garage his mind was not always on his work.

Q And there is nothing difficult about getting information now, in your own office?

A No I don't think there is. I don't think I [illegible] for anything lately.

MR. [illegible]: Mr.[illegible] has mentioned this Prussia case. Did you

ever have any other orders?

A I had an order from Kanaski.

Q What was that for?

A That was an order on Roman Stacyk. He is the man who was responsible for the order.

Q And the money was paid to you?

A It was latterly paid to me.

Q And what was it used for?

A Well it was used to pay off an account that Roman Stacky had guaranteed.

Q And had those people paid their taxes?

A Well I believe they had. They come in to Stony Plain and arranged it with the secretary the date before and this money was coming to him and there was no money to pay him.

Q And you got the order and it was used to pay an account of Stacyk's?

A Yes.

Q And there is a Mrs.Rupetski who deals at your store?

A Yes.

Q And for some time you have obtained her cheque each month?

A Yes, I would think so.

Q And you have taken it home? [illegible] the home

A Yes. [illegible] from [illegible]

Q To apply on the store?

A No I handed it to her.

Q You handed it to her and said:"There is my account" and she signed it ?

A So she [illegible] there for a month.

Q You had been in the habit of getting it and taking it home

store?

A Yes but there is nothing wrong in that. [illegible] did not see any taxes.

Q Except that you got the business through that?

A No it is nothing connected with the municipality.

Q You mentioned at the time you were in Mr.English's office that when each councillor was asked to resign you did not see any reason at that time why each councillor should resign. Do you know of any reason why they should resign, up to the rumors of this investigation?

A No.

Q You do not know of any at all?

A No.

Q And then you have heard of this since?

A Yes.

Q And with regard to this trip when you came into Stony Plain and were to call for Mr.Goertz. You say Mr.Goertz came out to your car?

A Yes.

Q And spoke to you at the car?

A Yes.

Q You were a considerable distance from the house?

A No, only about ten yards from the door.

Q Was Mr.Kreye there?

A Mr.Goertz said he was.

Q He was not outside?

A No.

Q You did not see him at all?

A No.

Q You said Mr.Kreye came to Stony Plain first and went out there

A Yes.

Q Did you find any definite proof of that?

A Only what Mr.Goertz said. He said they had phoned up from the garage.

Q How do you know they had phoned up from the garage?

A Mr.Goertz said so.

Q And they then came out?

A Yes.

Q You made the statement that when you came into town you were not curious about it; that was about the question of this vote, because you thought that Mr.Goertz was still with you?

A Yes.

Q And you also said that when you called at Mr.Goertz and found Mr.Kreye was there you were suspicious. Now how do you reconcile these statements?

A I thought it was funny for Mr.Kreye to be there on that day.

Q And you said that later on in town you were not a bit curious about it because you thought it was all right?

A I had got over my curiosity.

Q THE COMMISSIONER: You said you asked him on the street if he was going to vote with you that night and he said yes?

A Yes.

Q And that would allay your curiosity, wouldn't it?

A Yes.

MR.BRYAN: You brought up the question of Kreye's tractor. You voted for the motion? against the motion?

A Yes. Knew he had voted against it.

Q And the motion says "that whereas there is no tractor that can

do the work in the district that that has to be hired"?

A Yes, we took Mr.Krye's word for that. That is what Mr.Kreye told the council.

Q "Should be hired?"

Q Was that motion put before the work was done or after?

A No, it was a motion to be hired.

A That is an important point. The day that work was done was very important.

Q In any event if it is as you say that the work had been done and you were trying to put something through to cover up something, you yourself were a party to that?

A Yes, I think we were.

Q You knew everything about it?

A Yes, the work had to be done and it had to be paid for.

Q Why did it have to be paid for?

A Well if any work is done we generally pay for it.

Q But if a councillor does something wrongfully then you were under no obligation to pay for it were you?

A No.

Q You passed every time sheet?

A We mentioned that to Mr.Krye at the time. We told him that and I suppose the council was liable for passing that bill. I have no doubt about that.

Q You are quite positive that was not passed before the work?

A No, but I think the first time Mr.Kreye mentioned it that the work had been done.

Q Can you explain why Mr.Kreye voted against the motion?

A I did not know he had voted against it.

Q M. PARLEE: What importance would it be if Kreye did vote against it?

MR. BRYAN: Well I just asked if he did.

THE COMMISSIONER: It would look better. That is all.

MR. BRYAN: You also made another statement with regard to Mr. Akins and you said that he came in and made an application for this reduction. Now why did you say he made an application?

A Well -

Q Was that letter read at the council?

A That letter was not read then. Mr. Akins asked for the rebate. There was no letter read at that council meeting as far as I remember. It was a personal application by Mr. Akins.

Q You never saw anything of that letter at all?

A I don't remember that letter.

Q Coming to this question of Mr. Goertz. I believe, as his Lordship has pointed out, it is an offence under the Act for a councillor to spend money contrary to a motion of the council?

A Yes.

Q And I believe also it is an offence under the Act to spend money above the appropriation?

A Yes.

Q And you yourself have been one of the worst offenders in this regard?

A No, sir.

Q How much have you ever spent in one year?

A Four years ago there was an over expenditure of $400. Some was emergency work and has been covered up.

Q When you were Reeve how much did you overspend?

A I hardly overspent any.

Q And the auditor's statements covering the years Mr. Purlee produced to me would show big over expenditures in your

division - they are incorrect are they?

A Yes.

Q Can you tell me approximately, you overspent about $1200 one year and in other years?

A No.

Q No over expenditure at all?

A Oh there might be a dollar or two.

Q I think the 1928 audit shows you overspent $334 and the 1929 audit shows an over expenditure. The 1928 audit is the one you say is wrong?

A Well I think they might be all wrong.

Q And the 1929 gives you $1900 as being overspent?

A Oh.

Q And it gave you an over expenditure on the last audit of approximately $800 or $900?

A No I do not think so.

Q Well that is what the audit says.

A Would you mind looking up the minutes of 1929 and see if Division 5 was charged with $70 or $80 which should have been charged to some other division?

Q The fact remains there have been rather large over expenditures in your division?

A Well I think all the councillors have been guilty of that.

Q And under the Act the money can all be recovered from them?

A Yes.

A THE COMMISSIONER: Have any of these over expenditures of yours

Q and other councillors other than Goertz been made in connection with work which has been prohibited by resolution of council?

A No,sir.

Q And it was just made in the ordinary course of your work?

Well, approximately, you overspent some $1500 one year and in other, are

No.

Q No over expenditure at all?

Oh there might be a dollar.

A I think the 1950 audit shows an overspent of $4 in the 10 audit shows no over expenditure, etc.

Q Which one say is wrong?

A Well I think they might be [illegible].

Q And the 1950 gives you $1500 [illegible]

A Oh.

Q And it gives you no over expenditure [illegible] approximately $800 or $900.

A No I do not think so.

Q Well that is what can modify [illegible].

A Would you mind looking [illegible] was charged with $70 or so which [illegible] some other division?

A The last remains there have been taken into account [illegible] in your division?

Q Well I think all the commitments have been made of time. [illegible] Q Under the act the money can all be recovered from them?

A Yes.

Q And was due perhaps to inability to make estimates or lack of judgment?

A Yes.

Q But do you know of any other councillor who disregarded the positive prohibition for the expenditure of money on roads?

A No.

Q MR. BRYAN: There was a motion passed by the council as was read by Mr.Parlee to the effect that this road be built 100 per cent by the Government. Subsequent to that there was considerable discussion about various roads in the district including the Edmonton Beach road?

A Yes.

Q And there were a number of delegations came to the council subsequent to the motion?

A Yes.

Q And you were discussing about various expenditures and particularly about the employing of the implement of the construction company on the road work?

A Yes.

Q And you decided you would hire the company to do the work as an experiment to see how it would work out?

A Yes.

Q And at the time you had that council meeting there was some discussion as to where it was to be done?

A Yes.

Q And it was decided it would be done on // certain roads in Mr. Akins' division and on certain roads in Mr.Goertz' Division?

A Yes.

Q And one of the roads was this beach road?

A Yes.

Q And the council knew absolutely it was to used on this beach road as an experiment?

A Yes.

Q And the council passed the resolution to employ this construction company to do the work on this beach road and other roads?

A Yes.

Q Therefore Mr. Goertz was not going contrary to the motion of council although there was a motion subsequently contrary to that, because you people had decided to employ this big construction company and put them at work.

A Every councillor had a right to say what implements he would use to do his road work.

Q But you knew that big outfit would be used on that beach road?

A We certainly did.

Q And you went down to watch the outfit working on the beach road?

A Yes.

Q And the net result was that the council got kind of stung on the thing?

A I think it cost them more money than they thought it would.

Q The company misrepresented what they would do, as a matter of fact?

A Yes.

Q They said their outfit could accomplish work it could not accomplish?

A Yes.

THE COMMISSIONER: Was it used on other roads than the beach road?

A It was used in Division 3 and Division 4.

Q And was all the expense incurred on the beach road between $2000 and $3000 paid over to the operators of this big machine?

A Yes I think there was a cash outlay of over $2000.

Q Paid to the operators of the big machine?

A Yes.

Q And you all know it was going to be used there and you went out to look at it?

A Yes, we went to see it.

Q You at least approved of his spending the money?

A Well he did not say at the start they were going to spend that much.

Q They put it over you, as a matter of fact, the construction company in the amount of their bill?

A I do not think Mr.Goertz had any idea it was going to cost anything like that. I think the most he thought it would cost would be about $1000.

Q And the council was agreeable to try that amount on it?

A Yes.

Q How did you get over the resolution which you had recently passed not to spend any money on that road but let it be built by the Provincial Government?

A The Provincial Government said to us:"Build up to a certain standard" and they would pay some of the expense. I understand that was a verbal agreement between Mr.Goertz and some one in the Department. There was no written agreement.

Q Have you got your money yet?

A No.

Q Did you build your road up to the standard?

A

A No.

Q Why didn't you build it up to the standard and get your money?

A I think they have a notion of doing that yet.

Q MR. BRYAN: It just boils down to this, that you passed the motion. Later on you kind of weakened on it and you decided to try out big implements and that was a good chance and you tried it and you found out these implements cost more than you expected. And the outfit was on Mr.Goertz road and he wanted it himself.

Q And you all agreed to it and it was paid for?

A Yes.

Q And Mr.Goertz told the council that he had made some arrangements with the Department that if it was built to a certain standard they were to pay half of the expense?

A Yes.

Q But it did not turn out to be to the standard and you have not the money at the present time to put it up to the standard and that is the reason you cannot get your grant?

A Yes.

Q And that is what happened in that case?

A Yes.

Q With regard to tax proceedings. As I understand, the general way you worked these proceedings it is this, the property is offered for sale at auction and if it fails to sell it becomes the property of the municipality?

A Yes.

Q What steps do the municipality take to dispose of property which comes into their hands in that manner?

A Sell any person in the municipality who wants to give us a bid on it, the council consider it and sell it to them if they think

they are getting enough for it.

Q Does each individual item come up before the council?

A Well if you go away back years ago I think they came up in bulk .

Q That would be back at the time of this White case?

A Yes.

Q And did this White case come up in bulk?

A It was offered for sale at Stony Plain by auction.

Q But later on I mean?

A No I do not think it was.

Q Isn't it a fact that after some of these failures I think the bank was pressing you for payment about 1921 and 1922 or 1923 and you had a lot of cheques the bank would not honor?

A I don't know about that.

Q And don't you remember the bank asked that you dispose of some of this land so you could get some money in?

A Yes.

Q And a motion was passed to the effect that all lands in this municipality be sold for the taxes against them if you could get a buyer to sell them to at that price?

A It might be; I don't know.

Q That was common practice in any event?

A Yes.

Q I presume you were the only member of the council who was here at the time of the auction in the White case?

A Yes.

Q And Mr. cKinley came in just prior to the sale of this quarter to Mr.Jones?

A I was not at that time.

Q It was not an auction. It was a private sale. It was sold to Mr.Doness in 1923 and Mr.McKinely came in some time in the spring of 1923?

A I don't remember.

Q Do you know the quarter section yourself?

A No I did not know it.

Q With regard to the construction company. Are you in favor of the construction company now?

A No.

Q Talking about over expenditure. How are you fixed this year?

A I have no over expenditure.

Q With regard to time sheets. How do you find out about checking these names on time sheets?

A Well I think it is all right if the system is followed right.

Q How do you mean?

A Well if a man does the work and signs for it as being correct, but the man who does the work should sign for it.

Q But what do you find about the working out of that system?

A Well I think there is difficulty with any system. I feel all these systems need a little bit of energy - every one of them.

Q Have you a large division?

A Nine miles by six miles.

Q Who has the most roads?

A I don't know. I would imagine Mr.McKinley has.

Q How about the expenditures. Who has the most of those?

A I think they are pro rata according to assessment of each division

Q But who would get the most?

A Mr.McKinley should get the most.

Q As a matter of fact he spent quite as much as any other councillor

[illegible] on Jewish. It was a Kosher site. It was sold to [illegible] in 1958 and Ta.Hatikvah came in some time in the [illegible] of 1958?

A It rounds so.

Q Do you know the quarter acre, yourself?

A No I did not know it.

With regard to the construction work [illegible] in [illegible] the construction company in [illegible]

A No.

Q Talking about over expenditure, [illegible]

A I have no over expenditure.

Q With regard to time spent [illegible] these names on time [illegible]

A Well I think it is all right.

Q How do you mean?

A Well if a man does the [illegible] work but the man who does the work [illegible]

Q But what do you find about the workers [illegible]

A Well I think there is difficulty with any [illegible] these systems [illegible] , little bit of energy - every [illegible] man [illegible]

Q Have you a large division?

A Some miles by six miles.

Q Was [illegible] the work [illegible]

A I don't know, I would Shemaiko Ha.Nahlaty [illegible] [illegible] about the [illegible]

A Yes. His division has been getting twice as much.

Q And it calls for more work?

A Yes.

Q Do you check each individual item sheet yourself before it passes. You check it?

A I look over them and generally see that they are correct.

Q Is it possible for a man to work as a foreman and also as a laborer on the road?

A I don't think so.

Q It is not possible for him to?

A He would work and probably draw foreman's wages but he could only draw foreman's wages.

Q If you have a time sheet with a man put down, such and such a man's name as laborer and then down below he is down as foreman, would that be incorrect?

A Well it would be his hired man. It could not be him.

Q But the time sheet could not be correct?

A No.

Q There have been a number of cases like that in your division?

A I don't think so.

Q Has not there been cases where Mr.Stacyk -

A Well he has his men. But the foreman would take the responsibility.

Q Did not Mr.Best, who is a former auditor ever draw your attention to any of these cases?

A No.

Q Mr.Best was the auditor at one time?

A He was for some years.

Q And eventually you changed over to McCannel Brothers?

A Yes.

Q Was there any reason for that change. Was not Mr.Best satisfactory

A I think Mr. Nesti's health had broken down.

Q And the result was he could not handle that position?

A I think that was the main reason.

Q You say you attended all these general meetings. That is a place where all the kicking of the district is supposed to come up?

A Yes, as a rule.

Q THE COMMISSIONER: By general meetings you mean whom?

A The ratepayers.

Q MR. BRYAN: The ratepayers come and the council are just on lookers, so to speak?

A Yes.

Q And the ratepayers have a right to bring any grievances up?

A Yes.

Q And have there been any grievances brought up?

A Very few.

Q THE COMMISSIONER: And you have attended all these meetings?

A I have only missed one and that was four years ago.

MR. BRYAN: Isn't it a fact that there have been quite a number of complaints where there have been cases of people who have gone to the Department and made complaints which were never presented before the council?

A Probably there was.

Q And you have had letters from the Department asking about these things where people have never come before you or before the general meeting?

A Yes there might have been.

Q Do you remember any instances of that?

A No.

MR. PARLEE: You said you received a cheque from Mr.Pidgeon on December 15th,1930 for $38?

A Yes.

Q And the cheque was made in whose favor?

A My own name.

Q There is no doubt about that?

A I do not think there is any doubt about it.

Q Did it have any relation to this Prussia affair?

A I don't know.

Q Is it possible it could have any relation to the Prussia matter?

A I don't know.

Q The order on you is stamped November 28,1930 and you were subsequently paid $49.05. When was that paid, before or after Mr.Pidgeon handed you the cheque?

A I think it would be paid on December 15th.

Q You think it was paid on the same day?

A It might have been mailed to me. I could not tell you.

Q Did you think at the time that this $38 was the Prussia cheque?

A No.

Q You have no doubt it was nothing to do with the Prussia matter?

A I just thought that money was not coming to me and that is all I know about it.

Q If it had been the Prussia matter you would have been entitled to it?

A Yes. If Mr.Pidgeon had found out about it and said it was for me - I said it was not for me and I do not know about it yet.

Q Could it be the Prussia matter?

A No.

Q If it had been the Prussia matter you would have taken it and quite properly?

Q And the shoppe was made in to a store

A My own name.

Q There is no doubt about

A I do not think there

Q Did it have any relation

I don't know.

Q Is it possible Mr Conn

A I don't know.

Q order on you Mr Stern

subsequently paid $40,000. Has

Mr.Did you handed you an

A I think it would be paid a reasonable

Q You think Mr was paid a

A It might have been maile

Q Did you think at the time that

No.

Q You have no doubt it was RUSHIA; to do

A I just thought that money was not owned to ...

I know about it.

Q If it had been the Trinale matter you knew ... we been initiated

had found out about it sure will it was the

not for me and I do not know where it was.

A Yes. I think Mr. Prussia only mentioned the amount.

Q And at that time you had received the $49?

A I think there was no cheque sent out till about December 15th. You see Mr. Prussia left for England about the end of November and they had no money then so they could not pay him then.

Q It was quite evident you did not think this $38 had any reference to the Prussia matter?

A I think not.

Q Have you anything else to offer?

A No.

THE COMMISSIONER: How is the Secretary Treasurer chosen for your municipality - hired by resolution of the council?

A As I understand he is hired by resolution of the council and until he is dismissed he is secretary treasurer.

Q And how is he dismissed?

A By unanimous vote.

Q By resolution of the council?

A Yes.

Q You and Francey voted against him?

A Yes.

Q Well you did not start this investigation - you did not go and complain to the Government that the other members would not support you and ask the Government to fire Pidgeon did you?

A I think there was some talk of that.

Q What I want to get at is - councillors act by resolution?

A Yes.

Q And the majority control?

A Yes.

Q Still you, because four councillors voted against two of you,

would you think that was justification to institute proceedings to have your will and wish carried out?

A It should not be I suppose.

Q No. In a democratic Government the majority rule?

A Yes.

Q And the other four might be right in thinking Pidgeon was a good man?

A Yes.

Q And you two might be wrong?

A Yes.

Q And the other four might be wrong and you two right?

A Yes.

Q But you and Francey did not adopt any measurers like that when Pidgeon was kept. You may have expressed your views to the Government when you were in?

A Yes.

Q But you did not ask to have Pidgeom dismissed because the other four voted to keep him?

A No I don't think so.

Q And Francey did not?

A No.

Q And as far as the action of the council was concerned I suppose you were always willing to stand by the majority vote whether you werewith the majority or in the minority?

A Yes.

Q Do you know of any factors which entered into that vote which would suggest any fraud or corruption on the part of councillors or anyone of the councillors who supported the keeing of Pidgeon in the position?

A I cannot prove anything.

Q And you know of nothing?

A No.

Q So in your opinion the vote of the council of four to two in favor of Pidgeon was an honest, straightforward vote according to what the men believed?

A Yes.

Q You might have thought they were wrong or right the same as they do about you but you thought it was an honest transaction?

A Yes.

Q And we had some talk about a bottle of whiskey. They have been seen around this country before?

A Occasionally.

Q Do you suggest that Kreye went out and bought Goertz with a bottle of whiskey to vote for Pidgeon?

A Well I would not like to say that.

Q I suppose when you have municipal contests, that you like to use your peruasive powers on people to vote for your election to the council?

A Yes.

Q And when there was a tie in this vote, I suppose they thought there was a tie and they thought the most likely one to get would be Goertz and they went out and tried to get him to support them?

A Yes.

Q Which was a natural thing to do?

A Yes.

Do in your opinion
favor of Nixon
to what the man
Yes.
You might say
they do agree with
Yes.
and we had seen
been arguing
occasionally.
Do you suggest in
bottle of whiskey
well I would not
I suppose
use your pressure
to the economy?
Yes.
And when there was
there was a lie and
would be worth the
than?

Inquiry adjourns till 10:00 a.m.
August 12th,1931.

Wednesday August 12th,1931,
Inquiry resumes at 10:00 a.m.

R. HOWAT recalled.

MR. PARKER: Yesterday you gave evidence regarding an expenditure of somewheres between $2000 and $3000 or thereabouts by Mr.Goertz on the beach road and you stated you went out to see the heavy grader there. Did the use of the heavy grader have any bearing on the over expenditure?

A No,sir.

Q In what way. Explain that.

A Mr.Goertz' appropriation was allocated to him and he could spend his money on a big grader or any way he see fit. There was no extra appropriation and nothing said that would allow him any more money for that transaction.

Q Each councillor has control of his own division, how the money has to be spent?

A Yes.

Q Did you have any control over Mr.Goertz to stop him putting money on that road?

A No I had no control.

Q Do you know how his appropriation was at the time he commenced the beach road?

A Yes, it was exceedingly low.

Q But how was his expenditures compared with his allocation?

A I do not know.

Q So you had no right to interfere with Mr. Goertz?

A We had absolutely no right to interfere and we were merely spectators.

Q Mr.Bryan asked you about a $10 item paid through you to a certain woman?

A Yes. I think it was a very mean thing for Mr.Bryan to bring up.

Q Where could he get this information?

A Mr and Mrs.Pidgeon. That was an old lady, almost blind. She has lived on my farm ten years free of rent and she has had peacable possession and a garden and a home and it has cost her nothing. The district allows her ten dollars a month for relief and the way Mr.Bryan put it to me yesterday it seems as if I was trying to get something out of the municipal district through this old lady, which is not the case. I will leave it to any ratepayer here to say whether I was trying to make a cent out of the district on that account. I think it was unfair criticism.

Q You did not like the impression it was intended to leave?

A Yes.

THE COMMISSIONER: She gave you an order on the municipality?

A No, the secretary has to send that $10 cheque direct to Mrs. Repaski. Mr.Pidgeon has often handed me the cheque to hand to her, which I do. I have absolutely no control over that $10 cheque and she can take it anywhere and there is no bank at Carvel and she sometimes cashes it there and sometimes she does not.

Q MR. PARLEE: Could there by any possible stretch of the imagination except in a person who intended to leave a wrong impression,

Q This proposal was approved

A I do not k

Q So you had no right a interview with

A We had absolutely no right interfere wi

spectators.

Q Mr.Hayes asked you about

woman?

A Yes, I think it was - was in this

Q Where could he get this information

A Mr and Mrs.Pidgeon, that was

lived on my farm ten year

possession and a certain ma

The district allows her to

way Mr.Bryan put it to

to get something out

lady, which is not the

here to say whether i

district on that account.

Q You did not like the impression i

A I do.

THE COURTS: Ask him yes i which

A No, the secretary has - and that is why

Hopkins. Mr.Bryan has often boasted in the case to hand to

he, why, i no, I have absolutely no control over that kind

[illegible] anything was there is no business

[illegible] because it there and nobody else

could there be any possible criticism attached to yourself?

A Not one thing.

THE COMMISSIONER: You do not get her cheque and tell her she has to spend it in your store?

A Absolutely not and I have absolutely no control over it.

Q But you have a general store there?

A Yes.

Q And if she wants to spend her money in your store you won't say she must go to Stony Plain or Edmonton and spend it?

A No. It has absolutely nothing to do with me.

Q Is there a store in Carvel?

A A mile and a half north of Carvel there is one and two and a half miles west and at Stony Plain and at other places all over.

Q Does she spend her money at your place?

A She may spend a dollar or two a month. She mostly saves it. She is rather a frail lady and can hardly see and she has been to Edmonton several times and is almost blind and she has had a home in very peaceful possession for ten years on my place, no rent or taxes and absolutely free possession.

Q Have you any further criticism to make of your secretary treasurer?

A Well I overlooked the fact yesterday when we were in Mr.English' office along with the council at the time Mr.English called the council in there - at that time Mr.English said to Mr.Goertz: "Mr.Goertz, you are sitting on that council illegally and you remember Mr.Barrie, and you came into town."

Q That is J.A.Barrie the Edmonton Beach man?

A Yes. "And you wanted to get some names put on the voter's list. Now either you or Mr.Barrie went out and asked Mr.Lidgeon to put

those names on the voter's list, a thing, Mr.Goertz you had absolutely no right to do as a councillor and you, Mr.Pidgeon, as secretary have not been following the voter's list or the Election Act and you can destroy your voter's list."

Q What reply did Mr.Goertz make to that?

A I don't believe he said a word, not one word as far as I can remember.

Q And Mr.Pidgeon?

A I do not know if he said anything either. I do not know his answer.

Q Mr.Barrie?

A Mr.Barrie was not there.

Q Have you any other criticisms to make of your secretary?

THE COMMISSIONER: Well why should not these names be on the voter's list?

MR. BRYAN: No reason at all. They had a right to be on the list.

MR. PARLEE: Do you know they should? If you do not know you should not interrupt.

THE COMMISSIONER: Why shouldn't they be on the list?

A Well I am quoting you what Mr.English said. Seemingly he knew something about the complaints that had gone to him from certai of the electors. He said:"You seemingly have not followed the Election Act as regards the voter's list." As I understand, at certain times applications can be made to put names on the list and whether application was made within the right time or not I do not know. And only certain people can make the application

Q MR. PARLEE: You do not know whether Mr.English's statement was correct or not?

A No I could not say that.

Q How about getting the proper accounts and figures prepared for the auditor. Have you anything to say with regard to that?

A Well in the auditor's statement for 1928 the auditor says "In assuming". Well, in assuming anything, it is not right, is it?

Q Quite. Where should these accounts come from?

A From the secretary. When the auditor has to assume anything it does not look very good.

Q Have you anything else to add to your evidence of yesterday?

A It came to my mind that Mr.English and Mr.Souter had come out and visited Mr.Kreye and I think Mr.Akins and they had taken from Mr.Kreye some notes to the effect that Mr.Pidgeon was inefficient in his work and that Mr.Kreye had promised Mr. English that he would go right into Stony Plain and ask Mr. Pigeon to resign.

MR. BRYAN: Well is this right?

MR. PARLEE: Where did you get this and how?

A At the time I got it from Mr.English. It is correct and it is on file.

Q You have no information yourself?

A- I know Mr.Souter and Mr.English was in the district and at Fred Kreye's house.

Q Have you anything further to add?

A Well that is all I know about the secretary at present.

Q Anything you want to add to your evidence of yesterday?

A No I do not remember anything at present.

Q MR. BRYAN: You just made a bald statement for my friend Mr. Parlee that this road had no bearing on his over expenditure.

MR. PARLEY: No, the use of the grader.

Q MR. BRYAN: That big machinery had no bearing on his over expenditure? Now you know that is not correct, don't you?

A Mr.Goertz has the right to do what he likes with his money.

Q That is true, but you know that is not correct when you say that had no bearing on his over expenditure?

A Anything he spent had a bearing on it.

Q You told us yesterday that that grader did not build that road up to the standard you expected?

A Yes.

Q And therefore the Government would not give you the grant on that road?

A No.

Q And then you also told us here that yourself and the other councillors and Mr.Goertz and Mr.Akins had been misled by the company into believing that they could do that work cheaper than they did?

A Not the council, not the council.

Q You told us Mr.Goertz was misled?

A Yes.

Q Well, why do you say that big outfit had nothing to do with his over expenditure?

A If he had made a mistake that has nothing to do with the rest of the council.

Q That may be true. But why do you say that big outfit had nothing to do with it?

A Well any outfit might.

Q Yes, but your statement was not correct?

A Well he should have stayed within his limits.

Q. I am saying that did have a bearing, in fact that was the big cause of it. He made a mistake in regard to that big machinery in regard to the work it would do and what it would cost.

THE COMMISSIONER: I think what Mr.Howat means is that the use of a big machine by Goertz was no justification for over expenditure of his appropriation. Is that it?

A Yes, that is exactly what I want to say.

MR. BRYAN: At the time you authorized this big machinery had you people any idea what it was going to cost?

A Yes, so much an hour.

Q And did you find out it cost you more on practically every place you used it?

A No it cost so much an hour. More hours more money.

Q And when you put it on a certain amount of road it took a lot longer than you expected?

A I don't know about that. They said they would do it in so many days.

Q You have known that for some time there has been an agitation in the Blueberry district and up that way for a siding for North Edmonton Beach. That is correct?

A I do not know anything about it.

Q That they have been getting out a petition for that?

A Absolutely never saw the petition and do not know anything about it.

Q THE COMMISSIONER: What do you mean by siding?

A Where they can run bus cars on to load grain - a railway siding.

Q MR. BRYAN: Supposing a siding were put in at that point, that would mean a great many people who come to Marvel would go to that siding? [illegible]

A Yes.

Q And the result is they would be loading their grain at that siding instead of Garvel?

A Yes.

Q And you certainly would not be getting the business in your store?

A And I certainly would not want it.

Q Would you lose it?

A It don't matter where I am, I can look after my own business.

Q You have been putting two and two together, and so can we.

A Well I don't think this has any bearing on the case at all.

Q And that is why you voted as you did in that regard?

A I was not in favor of building it with the ratepayers'money.

Q And you knew the Government would not build it themselves?

A No I did not know that.

Q In any event when there was any chance of paying the municipal money on that you were against it?

A As far as the gravel is concerned, yes.

Q There are a great many people to the north of that highway and that is their only means of going to the Beach if they want to go?

A Well there was a road for them to go to the beach.

Q Where is the next road east?

A I don't know where it is, but there is one there.

Q Where is the nearest road going east of that beach road?

A Well one at Mr.Goertz, one on the west line.

Q How far would that be away?

A A mile west.

Q And what about east?

A Well there is one east. There is one on Mr.Goertz west line.

Q And where is the nearest one west of the beach road?

Q The world is very small by jumping their
sliding business or "travel"

A Yes.

Q And you certainly could [illegible] be [illegible]

A And I certainly would [illegible]

Q Would you lose

A It doesn't matter where I my [illegible]

Q You have been putting [illegible]

A Well I don't think that [illegible]

Q And that is why you [illegible]

A [illegible] was not in favor [illegible]

Q And you know the Government

A No I did not know [illegible]

Q In any event when buying a
money or that you were [illegible]

A As far as the travel is concern
There was a great [illegible] money
that [illegible] only [illegible]

A Well there was a [illegible] for

Q There is the next road [illegible]

A I don't know where it is, but [illegible] in [illegible]

Q Where is the nearest road [illegible] [illegible] but we [illegible]
[illegible] at [illegible], one on the [illegible]

A ¼ mile west.

Q Is there a road over the tracks?

A Yes there is.

Q Is it any good?

A Yes it is all right.

Q Now then you were mentioning about Mr. Quartz while he was in Mr. English's office and they were talking about names on that list. Now isn't it a fact that at the time they were talking about the dependent list which was put on?

A They never mentioned any list.

Q They never mentioned any list at all. What names were they discussing?

A They never mentioned any names.

Q Did they mention how these names were on or when they were put on?

A Seemingly previous to the election.

Q Now isn't it a fact that under the old procedure the owners were put on and the dependent voters were put on the list. That is correct, isn't it?

A Well is there a new procedure?

Q I am asking about the old one now.

A I don't know anything about it.

Q And you don't know anything about the new one?

A No I do not. I have not studied it at all.

THE COMMISSIONER: You got an appropriation from the Provincial Government to be spent in your municipality on roads?

A Yes.

Q You also appropriate yourselves from your assessment money to

be spent?

A Yes.

Q Now you make the appropriations as a whole do you, that is the council sitting as a body, for each district, out of the Government grant and out of the local assessments?

A Yes.

Q And when you appropriate to a division a certain sum of money who says how much money shall be expended?

A The councillor of that division.

Q And has he full power to go and lay out new roads and open up new works and use it in repair and maintenance?

A Yes.

Q And that is not subject to the jurisdiction of the council generally?

A No.

Q Well now the appropriation - of course a councillor must keep within his appropriation?

A Yes.

Q And when a man is hiring a big machine at so much an hour what is his duty when he has spent his money?

A Well he has to quit.

Q To stop the machine?

A Yes.

Q Has he any authority to go on and spend twice as much as his appropriation, or half as much more?

A No, not without special permission from the council.

Q His duty is just the minute he has spent his appropriation to close down all work?

A Yes.

Q And I suppose councillors are besieged with requests from rate-payers and people interested to have work done?

A Yes.

Q And they sometimes yield to these?

A Yes.

Q But when they yield to any such pressure they are doing an illegal act in spending more money?

A Yes.

Q So I suppose it is your opinion and should be the opinion of every councillor that notwithstanding any request or pressure brought to bear that when the appropriation is expended then they should quit the work?

A Yes.

Q I do not think there can be any doubt about that. When people press as much as they like and when a mans spends more than his appropriation, that is his responsibility.

Q And what is the custom of the municipality with regard to that regulation?

A It has not been observed very closely.

Q Why?

A I suppose owing to the demand for roads and opening new roads and costing more than the councillors or the foremen figured on. There is lots of cases where the foreman, when the time goes in where there has been lots more money spent on the road than was authorized, and that is unknown to the councillors.

Q Now all expenditures pass through the council's hands?

A Yes.

Q It was suggested yesterday that the secretary treasurer did not keep councillors informed in regard to expenditures. Now cannot any councillor take and make a memorandum of every dollar that

Q Yes.

A And they [illegible].

Q Yes.

Q But then they [illegible]

not in [illegible]

A Yes.

Q So I suppose it is

[illegible]

to [illegible]

quit the work

A Yes.

Q I do not think [illegible]

[illegible]

[illegible]

Q And [illegible]

[illegible]

A It has not been [illegible]

Q Why?

A I suppose [illegible]

[illegible]

There is lots of [illegible]

[illegible] been lots more [illegible]

[illegible] that [illegible]

[illegible] was through the [illegible]

is spent on his road work in his Division?

A Yes, he can.

Q And if he himself keeps a record he will know from the time sheets which have been handed to him what the expenditures have been?

A Certainly.

Q And apart from the secretary treasurer each councillor has it within his own power to ascertain to a dollar what has been expended?

A Yes.

Q What is the financial position of your municipality?

A I do not think it is very bad.

Q And you have had some trouble financing?

A Yes but I believe that at the end of this year things will pretty well right themselves as far as the position of the council is concerned.

Q You will have a good basis?

A Yes.

Q And don't you think that part of your trouble arises from the fact that councillors as a body - not from any ulterior motive - but perhaps through yielding to pressure, have led the public to believe that they will not observe the regulations with regard to the expenditure of the municipal district's money?

A Yes, and partly through making up the spring budget, not making provision for things that might possibly come along during the year. I do not believe, as far as I can remember, there was any provision ever made in our budget for the White lawsuit.

I do not believe that was ever taken into consideration and in our figures. I might be wrong, mind you, but I am just saying

Is a year on this year's [illegible]

A Yes, he does.

Q And if he himself keeps [illegible] record N [illegible]

sheets which have been [illegible] to him

been?

A Certainly.

Q And apart from the secretary [illegible]

within his own power to assess

expenditure?

A Yes.

Q But is the "Herald" [illegible]

A I do not think it is very [illegible]

Q And you have had some [illegible] trouble

A Yes but I believe that it

pretty well right themselves

council is composed.

Q You will have a [illegible] board?

A Yes.

Q And don't you think that [illegible]

fact that councillors is a good - our [illegible] prior meeting

but perhaps through failing to preserve, [illegible] public

to believe that they will not observe the resolutions with regard

to the expenditure of the municipal district's money?

[illegible] through exceeding up the sphere's budget, and [illegible]

[illegible] for things that might possibly come [illegible] during the [illegible]

[illegible] believe, [illegible] as I can remember, there was [illegible]

[illegible] in our budget for the White Island [illegible]

[illegible] was over [illegible] into [illegible] identification [illegible]

[illegible] the water [illegible] for, but I [illegible]

that from memory.

Q Do you mean for the incidental expenses of the lawsuit or the payment of the judgment and costs?

A For the whole thing. There was never anything mentioned in the budget for that.

Q How was that paid?

A Well I think we owe Short & Cross, I don't know, but a few hundred dollars on it yet.

Q And is that in the judgment itself or for costs?

A For costs.

Q Has the judgment been paid?

A I think so.

Q And where would you get the money to pay that?

A Out of the general account.

Q Was that ever taken into consideration in the estimates for the year in the levy made?

A I am of opinion it was never taken into consideration.

Q And I don't suppose you would consider that good financing would you?

A No I do not consider it good financing.

Q You make out a budget every year?

A Yes we do.

Q And in that budget you estimate all the expenses?

A Probable expenditure, yes.

Q And then you take and divide that expenditure into your assessment and strike a mill rate?

A Yes.

Q But if there happens to be anything beyond that that is your power for taking care of it?

A Well I do not think we have ever had any excess or surplus money yet. The arrears of taxes always has been far enough behind to keep us poor.

Q But could you go out and borrow money for something that was not contemplated in the budget?

A We have not been able to do so yet.

Q Don't you think that perhaps your financial condition would be improved if you made out a careful budget and take everything into account?

A Yes.

Q And confine the members of each division, the council member of each division, to operate strictly within his appropriation?

A Yes,sir.

Q And if he comes out and incurs any expense beyond that, why let the man who incurred the expense look to him for his pay?

A Yes.

Q I have no doubt that that strict enforcement of your rights would make you very unpopular with tax payers and people who wanted road work done?

A Yes.

Q But don't you think if you got them to understand that you will spend what you have and no more that they would be more considerate and you would have fewer requests. I suppose in this municipality like any other, and all Governments, you find a great cry for economy on the one hand a great cry for expenditure on the other

A Yes,sir.

Q If you spend money they blame you and if you don't spend it they blame you? [illegible] of forty or sixty per cent does not [illegible]

A Yes.

Q And about this forty per cent and sixty per cent?

Q That is, a man who pays taxes has a right to work out forty or sixty per cent as the case may be?

A Yes.

Q How is that arrived at, by resolution of the council?

A I think there was a resolution to that effect, that forty per cent of this year's taxes be spent on road work.

Q And has that any limit on the amount of money you may pay any one man?

A No I do not think so.

Q It is just the budget for the year, that the total levey of forty per cent be spent on road work?

A Yes.

Q And supposing you do not get your total levy what about your forty per cent or your sixty per cent. If enough work comes in from tax payers to meet the forty per cent you spend it on road work?

A Yes, but I think the act calls for you can borrow from the bank up to a certain amount. I understand a new act has been brought in this year where you can borrow almost 100 per cent on your current taxes.

Q For road work?

A Yes.

Q So that if a councillor hires a tax payer is there any objection to his allowing that tax payer to work out the whole of his taxes on road work?

A No, I do not think there should be.

Q That restriction of forty or sixty per cent does not in any way apply to the amount of work which a tax payer may do

A I do not think so.

A But it just applies to the amount of money which as a whole you may spend on road work?

A Yes.

MR. PIDGEON: In connection with Mrs.Rapaski's cheque. By way of explanation. Quite often we make these cheques out in the council meeting. The Reeve is there to sign the cheques and sometimes for two or three meetings Mr.Howat would take the cheque along and other times if it was not signed why it would be mailed to her. But when we have asked Mr.Howat if he wanted the cheque or would take it he said:"Well I will take it and it will save you mailing it" and we have never looked at it in any other way.

THE COMMISSIONER: You do not impute any wrong motive to Mr.Howatt at all?

A No. I do not know why it should have been looked at in that way. I do not take that inference.

THE COMMISSIONER: No and I never had any such thought in the world.

MR. PARLEE: How did that information get to Mr.Bryan then, that he asked that question?

A I do not know.

MR. BRYAN: I can give you that information if you want.

MR. PARLEE: I think it is open for you to explain that imputation.

THE COMMISSIONER: The view I have taken of that all the way through is just this, that certain other cheques which have been paid to other councillors have been brought into consideration. Mr. Bryan's purpose is not to impute any wrongful motive but to show that similar transactions have taken place with Mr.Howat and

they have been in perfectly good faith. I think that is all his purpose was.I do not think he intended to impute any wrong motive at all.

MR. BRYAN: The way I got that was the section in the Order in-Council with regard to collections and I asked certain counsillors did they know anything about that and they said yes they remembered Mr.Howatt getting them. That is how that came about.

REINHOLD GOERZ called and sworn, testified as follows:

Examined by Mr.Parlee:

Q You are councillor for Division 6?

A Yes.

Q And you are the Reeve at the present time?

A No.

Q When were you Reeve?

A In 1930.

Q And where do you live?

A About two miles and a half out here, on the northwest of 35.

Q And you are a farmer?

A Yes.

Q And how long have you been councillor?

A Eight years. I am in my ninth now.

Q How long have you lived in this community?

A Around thirty years.

Q Farming in the same place?

A No. I was working out before.

Q Eventually you became a farmer?

A Yes.

Q And you know generally the subject matter of this inquiry?

A Yes.

Q And you have seen the notice published in the paper?

A Yes.

Q And you have read over the various items have you not?

A Yes.

Q You also were examined by me here last week some time?

A Yes.

Q And you gave me certain information?

A Yes.

Q This inquiry has taken a long time, and will you keep your wits as bright as you can. I will read you over the various items of the inquiry and will you tell us your answers (Reading Clause"A" of Exhibit 1). Have you any such knowledge?

A No.

Q Have you any information or knowledge that would lead us to obtain any knowledge of such monies being wrongfully A - All I

A know is hearsay.

Q And does that affect yourself at all?

A No.

Q (Reading Clause "B" of Exhibit 1). Have you any knowledge of any such work being done?

A Well there is some complaint against me that I have done such work on private property.

Q What is the nature of that. What is the complaint?

A That is about in the beach road that I have done some private

work on a lot that I should not have done.

THE COMMISSIONER: Whose lot?

A Mr.Murphy's.

Q MR. PARLEE: You explained that to me. Will you explain to the Court what the complaint was and what is your explanation for it.

A My explanation is -

Q What was the work done. What is the work that was done?

A Well it was filled in. There was a low place in the road and it led into Mr.Murphy's lot. So when I have filled in the mud hole in the road all the water went down to Mr.Murphy's lot and it flooded part of his lot and he was not able to get on to his lot. So he put in a complaint that he could not get on his lot and we filled in as far as the road allowance went and we may have very little put on Mr.Murphy's lot to give him a lead on to his property.

Q Did you fill in anything on Mr.Murphy's lot. I think they call it a pot hole?

A Well it just comes up to the road allowance. There may have been a little more but it was just a road to let him in on his property.

Q What I take it you say is this, that you for the municipality did do some work that would be of assistance to Mr.Murphy privately. That is a fact?

A No it would not be to Mr.Murphy.

Q But some work was done by you in connection with private property for Mr.Murphy. That is correct, isn't it?

A No.

Q I thought your answer was "Yes I did, that I thought it was

proper for us to do it because we had interfered with his approach."

A Yes to let him on his property because he was shut off from his property. Everybody is supposed to have a way in to their property when the road is built and I gave Mr.Murphy the very same fair play.

Q You thought you were entitled to do it?

A Yes.

Q And it was proper that he should have it?

A Yes that he should have it.

Q Who did the work?

A Mr.Andrew Kotcherofsky.

Q Anything improper about it?

A No. I think there was some work done after that by Mr.Litzenburg because the water rose on that road and he did a little about three years after when Mr.Murphy had a complaint in with the Government and they had a letter from the Government that that was not good enough and it was not passable and he could not get on to his property and I think I did a little more work afterwards

Q Was this work done on Murphy's lot itself or only to the approach

A Just to the approach.

Q Have you anything further to add to that?

A No.

Q Do you know of any other?

A THE COMMISSIONER: Did you say you got a letter from the Government of this Province complaining about the way you had fixed up the approach?

A Yes. [illegible] any other complaint respecting [illegible]

Q Have you that letter? [illegible]

A I think it is on file.

MR. PARLEE: Was there such a letter in existence, Mr.Pidgeon?

MR. PIDGEON: Yes. It brought to our attention the complaint of Mr.Murphy.

MR. ENGLISH: I have full knowledge of the facts. Mr.Murphy is a merchant in Edmonton and he came to the Department and put in a strong complaint about water damaging his property and I told him if by diverting water it had damaged his property it was up to the council to put it right and I wrote a letter to the council drawing their attention to the grievance.

Q MR. PARLEE: You have nothing to add to that?

A No.

Q Do you know of any other work done for private individuals?

A Well last year there was some work done and I had a blue print of the road leading into the beach.

THE COMMISSIONER: What year was this complaint of Murphy's. When did you do Murphy's work?

A I just could not remember. The first work was done, it was not completed. There was still more water standing than there should be. I think 1926 or 1925, I could not remember exactly.

Q The first work was 1925 or 1926?

A Yes, I cannot tell you just the year. It is a long time ago. It could be looked up with a little trouble.

Q MR. PARLEE: When was the work done at the suggestion of the Provincial Government?

A About a year or so after. I could not just tell you.

Q That would be 1927 or 1928?

A Yes about that.

Q Has there been any other complaint respecting you?

A Just as I mention, there was a road leading into the beach.

They claimed I favored Mr.Barrie, that it was on private property. That is a blue print (produced). There was a low place and here is the road allowance where it was cancelled after and I put some earth there to fill in the road and I may have gone on Mr.Barrie's property a little and filled up a low place but it was not a benefit to Mr.Barrie or anyone else. I asked him if I could fill the place down here and it would save me cutting a ditch, and that is where the public come into the beach and they use all these sides for parking and I thought it was not a nice thing to put a ditch there, and then they could park on any side of the road.

Q THE COMMISSIONER: Is that a public road that you filled in there?

A Yes where the filling was done.

Q It is a road allowance?

A Yes. Well this spring I think they cancelled part of that but this work was done last year. They are still using this road to go into the beach.

Q Is that red there a private road or public road?

A This is a public road.

Q That road going in which direction?

A East.

Q The people travel all around the country to get to Edmonton Beach What road do they travel?

A This is the road leading -

Q You have a main highway, say from Edmonton and they come out to Edmonton Beach. That is marked road allowance is it?

A Yes and they come in on this road.

Q Now from the road allowance as shown on this plan down to the

beach here -

A That is a road they have down to the beach.

Q Whose road is that?

A That is our road. That is a public road.

Q The municipality owns that road?

A Yes.

Q And you have to keep it in repair?

A Yes.

Q What is the part that is complained of?

A That I have favored Mr.Barrie when I did this work, that I have pulled down the dirt to fill in some of his property.

Q Then you come to -

A This road leads back to the cottages where Mr.Murphy's lot is.

Q Does the municipality own the road right from the road allowance down to the beach?

A Yes.

Q All of it?

A Well this road is cancelled where it is marked right here.

Q But is that a municipal road?

A This is a municipal road, yes.

Q What did you do. Did you take dirt off Barrie's land and fill it in?

A Filled it in from the road, for not cutting ditches.

Q For not cutting ditches?

A Yes, I could have cut ditches where it was not necessary and I just filled it in and it did not cost any more.

Q If you had made ditches you would have taken the dirt out of the ditches and filled that in?

A Yes.

Q But instead of cutting the ditches which you had a right to do

you just took some dirt off Barrie's land and filled it in.

Q And the property on the north and south of that road from the road allowance to the beach is owned by whom?

A By Mr.Barrie.

Q And that is used for parking of cars of people who visit the beach is it?

A Yes.

Q And if you had cut the ditches in there for the purposes of the road it would have interefered with it as a parking ground?

A Yes, a lot of people park there.

Q And who owns and controls the beach principally?

A Well Mr.Barrie.

Q And it was an advantage to Mr.Barrie not to have the ditches there, was it?

A No, that was my own advantage.

Q But it would be an advantage to him. I just want to see if there is any advantage going to him. Did Barrie suggest to you that if you would not dig ditches there he would let you take earth off his land?

A Yes. I asked him so and he said I could.

Q You made the first suggestion in regard to that?

A Yes.

Q Had you discussed the scheme with Barrie before?

A No.

Q You had not?

A No.

Q And that is all there is to that?

A That is all there is to that.

Q And that is the municipal district's road that was filled in down to the beach?

A Yes.

Q And it is always kept up and maintained by the municipality?

A Yes.

Blue print marked Exhibit 22.

Q The part which you filled in is the section "X"?

A Yes.

Q And you say that that section is a municipal district road which you are bound to keep in repair?

A Yes.

Q MR. PARLEE: I do not quite understand what the complaint could be after hearing your story. What was the complaint?

A The complaint was that I had done work on private property.

Q That you took earth off Mr. Barrie's property or that you put it where you did?

THE COMMISSIONER: I understand him to say that the people who complained complained that he built that section "X", on Barrie's property. He says it is not on Barrie's property; that is a municipal district road.

MR. PARLEE: Is that it?

A That is it.

Q Have you any other complaints come to your notice of work done for private individuals and charged to the municipality?

A That is all.

Q You have exhausted your knowledge as to that?

A Yes.

Q (Reading Clause "C" of Exhibit 1). Have you any knowledge

A Just hearsay.

Q Have you any hearsay with regard to your own particular division- in your own particular division?

A No, not that I know of.

Q Any complaints against any of your time sheets?

A Not as I know of.

Q You have had information regarding some of the other divisions have you?

A Oh just hearsay.

Q Which divisions?

A Well Mr.McKinley's division One, more hearsay than any other division.

Q It is particularly attached to Mr.McKinely. Any other division besides Mr.McKinley's?

A There is in my division something about a bottle of whiskey that I told a man to put on for a bottle of whiskey on one of my pay sheets.

Q Well you might as well answer that because you will have to meet it. Who is it?

A Joe Kulak.

Q And Joseph says that you have instructed him to add on the pay sheet - he was a worker,wasn't he?

A Yes, he was foreman.

Q And he says that you instructed him to add sufficient on to the pay sheet to buy a bottle of whiskey?

A That is what he says.

Q Did he ever say it to you?

A No.

Q Did you ever speak to Mr.Kulak about this?

A No.

Q Is there any truth in that statement?

A No.

Q Is there any truth whatsoever that you told Joe Kulak to add on to the time sheets sufficient to buy a bottle of whiskey?

A No.

Q Any foundation for it at all in fact?

A No.

Q And if Joe Kulak says you did so instruct him he is saying something that is without any foundation?

A Yes.

Q And if he continues to say that not only did you instruct him but you helped him to drink the whiskey, what do you say as to that?

A I did not get any of it.

Q And if Henry Kulek was present and said he heard you give the instructions and helped to drink the whiskey that is incorrect do you say?

A That is incorrect.

THE COMMISSIONER: You might just as well tell this man when all this was done and give him all the particulars.

MR. PARLEN: I cannot do that sir. I do not think I am in a position to do that.

THE COMMISSIONER: Well Joe Kulak and Henry Kulak can instruct you.

MR. PARLEN: I cannot always get these people. They do not always stay around here.

(The Commissioner calls for Joseph Kulak and Henry Kulak and receives no response).

THE COMMISSIONER: You have heard about that?

A Yes, sir.

MR. PARLEE: In or about October 1928?

A Nothing said by me at that time.

Q Well at any time?

A Not at any time.

Three letters relating to Edmonton Beach road and Murphy lot marked Exhibit 23.

(Mr. Parlee reads Exhibit 23.) That is the correspondence to which you refer?

A Yes.

Q Have you any further information regarding additions or alterations to pay sheets?

A No.

Q Did you ever at any time request or instruct Joseph Kulak to alter or improperly add to a time sheet?

A No.

Q Or any other person?

A No.

Q Have you anything further to say to that compilation of fictitious time sheets ((Reading Clause "C" of Exhibit 1). Have you anything further to add to that?

A No.

Q (Reading Clause "D" of Exhibit 1). Have you any such knowledge?

A There is a complaint against me by Mr. Joe Kulak that he had given me $7.50 in connection with this by-law, that he gave me $7.50 and I never received it and I don't know anything about it.

Q Why did he give you $7.50?

A Well that is hearsay. It was supposed to be for a culvert. And the timber was hauled and the culvert put in and he was asked once to pay half of the tender and we paid the bill and he said he paid half that money to me, and I never received it.

Q Is there any foundation in fact for that story?

A No.

Q Do you know of any reason that would make Mr. Kulak make such a statement?

A Well -

Q Was there a culvert?

A Oh yes it was put in.

Q And was he to pay half of it?

A He was asked and he went to Mr. Armbruster and the timber was charged up. He did the work free. We hauled the timber in and put the culvert on at his own charge afterwards. That was in his field by draining a lake off the road allowance and ditching through his property and that culvert was in on his property and he had the road leading into his field and he had an old culvert and we had to pull that out to drain the lake off the road allowance, and we replaced a new culvert in there.

Q Was he to pay any portion of the new culvert?

A He was supposed to pay half. He put the work in free. But I hauled the timber up.

Q From Armbruster's?

A Yes and put the culvert in himself.

Q And this lumber was charged to the municipality?

A Yes and paid by the municipality.

Q And would your attitude be that you did the work and he supplied the lumber?

A Yes.

Q And you were both fairly treated?

A Yes.

THE COMMISSIONER: How far did he haul the lumber?

A About three or three and a half miles.

Q How much lumber did he haul?

A Just enough for a culvert.

Q What would a trip of three miles for hauling that lumber be worth?

A Say a couple of hours, a man and a team.

Q It would be worth two or three dollars?

A Well they are getting sixty cents an hour when they work on the road. It would be about $1.20 or so.

Q How long would it take to put it in. He would have to dig it?

A No, because the ditch was right there. He only needed to put it in and fill in again.

Q How long would it take him to put that culvert in?

A Oh I think it would take half a day.

Q That would be five hours?

A That would be five hours.

Q And that would be $3.00?

A Yes.

Q Did he use a team on it?

A Yes, he did.

Q And would sixty cents an hour cover his team?

A Yes.

Q Himself and team and two horses?

A Yes, sir.

Q That would be $4.20 his work was worth?

A Yes.

Q And the timber cost $15.00?

A Yes.

Q He would not pay you $7.50?

A No.

Q Well that culvert really cost about $20.00?

A Around that.

Q He would have to pay you ten dollars wouldn't he?

A Well that is if he wanted pay.

Q According to your arrangement he would pay for half of it?

A Well it was just an arrangement between me and him. But the culvert had to be put in.

Q And what was the arrangement between you and him?

MR. PARLEE: As the Commissioner points out, his share would be approximately $10.00 of which he has only contributed $4.60. Did you ever ask him for the balance?

A I could not remember. I don't think I did.

Q Anyway, did you get any portion of the $15?

A No.

Q Did you get anything from him at all that would be applicable to the $15?

A No.

Q I will read d again (Reading Clause "D" of Exhibit 1). Do you have any other knowledge respecting anything transpiring in your division?

A No.

Q In any part of the district?

A Well only hearsay.

Q Regarding what division?

A Mr.Kreye's and Mr.McKinley's.

Q Principally what division - one more than the other?

A I guess about the same.

Q And where did you first hear these rumors?

A Just about a week ago - last week - most of it.

Q (Reading Clause "E" of Exhibit 1). Have you any such knowledge?

A No.

Q Any knowledge whatsoever?

A No not particularly.

Q Well is there any complaint about yourself?

A Well there was but I would not call that -

Q Well what did you hear about yourself?

A Oh about Mr.Howat and Mr.Francey came and tried to get me and bring me down to the meeting and when they got there that Mr. Kreye was there with a bottle of whiskey.

Q What about this bottle of whiskey. You remember the incident do you?

A Yes.

Q Generally speaking did you use to come out with Mr.Howatt?

A Yes.

Q And did he phone you that day and say he was coming out to call for you?

A Yes.

Q And did you tell him all right, or were you expecting Mr.Kreye?

A No. After Mr.Howat had phoned and just a while after, Mr.Kreye phoned and he said:"Are you going in pretty soon?" and I said no and he said:"Well I would like to see you."

Q Where did he phone from?

A From Stony Plain here. And he asked if I would be home for a while yet and I told him yes and he said:"All right I will come up and see you" and he did come up.

Q And what was the object of his visit?

A All we had that day was about big machinery. He said:"We want to get that off our hands, we do not want to be bothered any more about big machinery and these agents being out every meeting taking up an hour or two of the time of the meeting and we have to stay so much longer at the meeting and we had better decide we would not buy any big machinery."

Q Anything said about the secretary treasurer?

A No not while he was there.

Q Was there anything - did you have a bottle of whiskey?

A No.

Q And did you tell either Mr.Howat or Mr.Francey or both of them that he was in there with a bottle of whiskey?

A No, when Mr.Howat and Mr.Francey came along I went out to their car and I told them that Mr.Kreye was here and they should excuse me and I would come in with him and if they had anything important to tell me that I would talk to them when I got to town and I was coming with Mr,Kreye. And I told them that he had phoned me and that I was going with him and I did, and Mr.Howat went on and Mr.Francey.

Q And did they say anything to you about how you were going to vote with respect to the secretary treasurer?

A Not that I can remember.

Q Either there or in town prior to the meeting?

A No I do not think they did.

Q Did Mr.Howat show any anxiety over your conversation with Mr. Kreye that he was trying to lead you astray and change your vote?

A He may have thought that, but he never mentioned it.

Q Either out to your place or here in town?

A No.

Q Was there anything come up at that meeting about heavy machinery?

A I could not tell you.

Q Did anything in fact come up about the heavy machinery?

A I could not say, but we talked it over just before the meeting. Afterwards I could not remember.

Q You talked it over. What do you mean?

A Me and Mr.Kreye.

Q Well now what time of the year was this?

A This was in March.

Q Of what year?

A In 1930.

Q And was there any - were these salesmen bothering you in March?

A No but they always come in the spring of the year.

Q And they come in March?

A Sometimes they did.

Q And was there something coming up that night pressing? Did Mr. Kreye say:"Now we have had a lot of bother with these salesmen and they are going to come here tonight?"

A He did not mean to say that at all but he said:"We will make it up we won't buy anything" and if I would be in favor of buying big machinery -

Q Did you know anything was coming up?

A Yes,we had spoken of it.

Q Was this your first meeting?

A I think it was the first meeting.

Q This was the first meeting of that year?

A Yes.

Q This is your story?

A I want you to understand, this was the year, this was the first meeting after the election. That is what I would call it. It is not the first meeting after New Year but it is the first meeting after the election.

Q Now let us see if I understand you correctly. So far as you know there was nothing pressing about the purchase of heavy machinery?

A No.

Q And the question of the secretary treasurer was a matter that was coming up?

A Yes.

Q And Mr.Kreye. Where does he live?

A He lives out south here.

Q He does not pass your place coming into town?

A Well he did all right, when he was coming to Edmonton Beach he came on the highway and passed.

Q But he phoned to you from Stony Plain?

A Yes he did that day.

Q And he phoned you from Stony Plain saying he was coming out to get you?

A No not particularly to get me. He said if I would come in right away to town that he wanted to see me and I said I would not be in there for a while because Mr.Howatt phoned he would call on me.

Q Anyway, he came out purposely to see you?

A Yes he did.

Q To talk about something or other - about the heavy machinery?

A Yes.

Q <u>The Commissioner:</u> Didn't he talk about the Secretary Treasurer when he was out there?

A No.

Q He never mentioned the secretary treasurer?

A No.

Q Anything about hiring or firing him?

A No.

Q He went out to talk to you about something that was not coming before the council at all as far as you know?

A Well that was not unexpected. It would come up maybe and maybe it would not come up, you see.

Q But wouldn't he talk about things you expected to come up?

A We expected that the agents would come and bother us.

Q Did you and Kreye mention anything in regard to the secretary treasurer when Kreye went out to your house that day, or not?

A No.

Q Never mentioned it?

A No.

Q And you never mentioned it to Francey on the street that you were not going to vote against Pidgeon that night at the meeting?

A No not that I can remember.

Q And you never mentioned that you had a bottle of liquor?

A No.

Q That Kreye came out there with a bottle of liquor?

A No.

Q You were here yesterday?

A Yes.

Q You listened to Francey?

A Yes.

Q And you listened to Howat?

A Yes.

Q Were they telling the truth or not?

A Well not about Mr. Kreye had a bottle of liquor at the house.

Q You did not say that. You heard Mr.Howat swear under oath that you went out and put your head in the car door window and say that Kreye was in there with a bottle of whskey? You heard him say that did you?

A Yes.

Q He was lying was he?

A Yes.

Q So I have got to decide whether I am going to believe you or Francey and Howat. That is correct is it?

A That is correct.

MR. PARLEE: Now I just want to caution you. You must be very careful with your evidence.

A Well I am.

Q Because if I find any reason to have anyone prosecuted when they give evidence under oath they will be prosecuted for perjury! Have you any other knowledge of bribery and corruption between councillors and ratepayers or others or between councillors?

A No.

Q All you have heard of is this of which you were a party, just the one you have mentioned, that is all you have heard of?

A Yes.

Q Those you have just mentioned?

A Yes.

Q (Reading Clause "F" of Exhibit 1). We will assume it is a custom here for the farmer instead of going himself with his team that he may send his hired man and the farmer himself is put in as the person entitled to the money?

A That is a custom,yes.

Q Do you know of any irregularities in such connection?

A No.

Q Are there any complaints against you of any irregularities or in your district?

A Not that I know of.

Q Have you heard of any irregularities with respect to any other division?

A Just hearsay.

Q With regard to what divisions?

A Division 1. You will hear once in a while of other divisions

Q What divisions particularly?

A Well number 1.

Q And any other divisions?

A Number 2.

Q Whose is that?

A Mr.Kreye's.

Q Did you ever follow them up to see if there was any foundation for them?

A Just hearsay.

Q Have you anything further to add with regard to "f"?

A No.

Q (Reading Clause "G" of Exhibit 1). Have you any such knowledge with respect to yourself or any other councillor?

A I did not get that.

Q Well just read it over there (Reading "G" to witness).

THE COMMISSIONER: Do you understand the question?

MR. PARLEE : Irregularities in the matter of benefits. I suppose municipal work would include also the buying of equipment. But do you know of any member of the council receiving any benefits improperly?

A No.

Q You know of none?

Q Does any complaint

through this or in your material

A Not that I know of.

Q Have you heard of any line

other division?

A Just hearsay.

Q With regard to your division?

A Division 1. You will

Q What divisions permit?

A Well number 1.

Q And any other [illegible]

A Number 2.

Q Whose is that?

A N

Q Did you ever follow that in

foundation for them?

A Just hearsay.

Q Have you anything further.

A No.

Q (Leading Views "Q" of exhibit 1).

knowledge with respect

A I did not get that.

Q Well [illegible] read it over [illegible] in answer.

the question [illegible] to your understanding the question

MR. PARKER: Lord Eliz in the matter of generalize.

[illegible] work would include also the buying of

[illegible] of any member of the council

Q No.

Q Are there any complaints against you so far as you are aware?

A Well it was mentioned that Mr.McKinley offered me $200 to vote on the big grader.

Q It has been alleged that Mr.McKinley offered you $200?

A Yes.

Q When did you first hear that?

A When Mr.Goggles came to see me in June. I could not remember just the day, but that was the first time I ever heard it.

Q And he told you it was claimed that Mr.Murdock McKinley offered you or suggested that you could get $200 if you would vote for a certain piece of machinery?

A Yes.

Q Is there any foundation in fact for that?

A No.

Q Did Mr.McKinley ever intimate directly or indirectly that you might obtain any benefit if you voted in a certain way?

A No, never did.

Q Did Mr.McKinley ever suggest you might be able to obtain $200 or any other sum or any other benefit for voting in favor of the purchase of a certain grader or any other equipment?

A No.

Q There is no misunderstanding?

A No.

Q Did any other person directly or indirectly suggest or offer that you could obtain any benefit or advantage by voting in a certain way in council?

A No.

Q I have made it general?

Q No.

Are there any

A Well it was run

on the big meeting.

Q It has been issued

A Yes.

Q When did you

A When Mr.Wo

Just in

Q

You or as

certain loss

A Yes.

Q Is there in

A No.

Did Mr.

might obtain

A No, never did.

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

Q

There is no misunderstanding

A No.

Q Did any other person directly

Q would obtain any benefit or

Q

Q

Q

A Yes.

Q So you have no information to give us of any offer made to you?

A No.

Q Did you ever either seriously frivolously or any other way tell Mr.Barrie that Mr.McKinley had offered you any advantage or benefit to vote in a certain way?

A No I could not remember of it.

Q So far as your memory is concerned there is no substance or truth in that or any suggestion like that?

A No.

Q (Reading Clause "H" of Exhibit 1). Have you anything to say about that item of the inquiry?

A Just hearsay.

Q Have you ever used the office for a debt collecting purpose?

A No.

Q You cannot give us any information?

A No except claims we put in during the last few days.

Q I can't understand you.

A All I can give you is what I heard since the investigation.

Q Mr.Coggles saw you and he interviewed you?

A Yes.

Q Did you give him any such information?

A I told him that I did not know.

Q You cannot aid us or help us with regard to that item "h"?

A No.

Q (Reading Clause "i" of Exhibit 1). And that naturally concerns Mr.and Mrs.Pidgeon?

A Yes.

Q

Q. Do you have no information to give us?

A. No.

Q. Did you ever visit Mr. Kimberly

Mr. Morris's that Mr. Whitaker

benefit to vote in . ever

A. No I could not remember.

Q. Is that as your memory in your

truth in that or an admission

A. No.

(Reading Clerk "" of Article

about that item of . in

Just because.

Q. Have you ever been the

A. No.

Q. You cannot give me any

A. No except claims on

Q. I can . understand your

A. All I can give you is what . read or

Q. Strategies are you can do . are your

A. Yes.

Q. Did you give him any cash . from

A. I . him that I did not

Q. Did us or help us with travel to Washington?

Q. Was "1" of Article 1, and that unanimously concurred

Q What have you to say of your view of the way in which Mr. and Mrs. Pidgeon performed their work?

A Well in 1928 or 1929 I made a motion before council to dismiss Mr.Pidgeon and after, this motion was voted three - three.

Q That is you voted along with Mr.Francey and Mr.Howatt?

A Yes.

Q You had made the motion?

A Yes.

Q When you made that motion what was your opinion with regard to the capacity or incompetency of Mr.Pidgeon?

A Well it was so much street talk and it was always that Mr.Pidgeon was not looking after his work and one thing and another and it was thought even in the council that Mr.Pidgeon was not doing his work right.

Q Do I understand you to say that at that time throughout the municipality there were claims that Mr.Pidgeon was not competent or was careless?

A Not all. There is complaints every year all over of course in other municipalities. There is always complaints. But there were some complaints and Mr.Francey and Mr.Howatt thought it would be a good thing if we would make a change of secretary. And I told them that I would make a motion and I did, to get this talk over and find what could be done.

Q You made the motion just to have the atmosphere cleared. Is that the idea?

A Yes.

Q And you voted to dismiss him?

A Yes.

Q What was your opinion at that time as to his capacity or his

competency or his carefulness?

A I thought he was careful a little in his work.

Q Do you mean careful or careless?

A Careless.

Q Did you think he was competent?

A Well I could not say that.

Q Anyway you thought at that time he was careless in his work?

A Yes.

Q And is that what influenced you to vote for his dismissal?

A Yes.

Q So at that time when that vote was made by you and put you were in favor of having him dismissed?

A Yes.

Q Because of his carelessness?

A Yes.

Q How was his capacity or his competency?

A Well he was doing his work. But they were complaining.

Q Did you think those complaints were well founded?

A Well after we went to the Department.

Q I am only speaking now of this motion being put.

A At the time I put the motion I thought there was something in these complaints.

Q Now then when did you go to the Department?

A Right after that.

Q That would be when?

A Well when that motion was put, some time in June.

Q June of what year?

A I could not tell you.

Q And you went to the Department. And now long after this vote

was put did you go to the Department?

A I could not tell you the particular time.

Q And whom did you go with?

A With Mr.Howat and Mr.Francey, and I think Mr.Washburn was along.

Q That is your former member?

A Yes.

Q This motion was made on the 31st of May, 1929?

A Yes.

Q (Reading from Page 235 of Exhibit 14. And then you went to the Department with Mr.Howat, Mr.Francey and you think Mr.Washburn. And whom did you see at the Department?

A Mr.English.

Q Mr.Robert English the Acting Deputy?

A Yes and Mr.W.D.Spence and Mr.Souter, and we went into the Minister.

Q That would be the Honourable Mr.Reid?

A Yes.

Q How did you happen to go to Edmonton?

A Well I wanted to bring that to a fact if there was anything against Pidgeon what the Department would do.

Q You went to Edmonton at that time having some complaint of Mr. Pidgeon?

A Yes.

Q And you went along with Mr.Howatt and Mr.Francey. How did you happen to go? Did you and Mr.Howat and Mr.Francey arrange to go?

A Well Mr.Howat was Reeve at that time and he was the one who always phoned me up that they were going in on a certain day and I went along with them.

Q And did you know what they were going for?

A

A Yes, except at the very last time. Of course I was not told by Mr.Howat, that is the last time when we went into the Department.

Q And what happened in the Department?

A We were there three or four or five times.

Q Right along in the same party?

A Yes.

Q What for, for the same matter?

A The same matter.

Q To discuss with Mr.English or Mr.Reid the subject matter of the secretary treasurer?

A Yes.

Q And Mr.Howat and Mr.Francey would say to Mr.English or to Mr.Reid: "We think Mr.Pidgeon is inefficient or incompetent." Is that right?

A Yes, that is the first complaint, and then we went to see what was done and what could be done.

Q Could be done for what purpose - getting rid of him?

A To see if the work was not right, and one thing and another.

Q That was the subject matter of the conversation. You were there to complain about Pidgeon and see if you could get rid of him. Is that the idea?

A Yes if there was anything against him, to dismiss him.

Q Now this is the last meeting. What happened there?

A We came into Edmonton and Mr.Howatt said:"Well we had better see Mr.Washburn to make arrangements to go down to the Department" and that was done and it was phoned from town to the Department that we meet there between two and three o'clock. And when we came down to the Department there was nobody there except Mr. Souter and he seemed to know nothing about the delegation.coming down at all. So we could not get no results that day at all and

that was the last time I was in and I afterwards thought about it if there was any good reasons against Mr.Pidgeon they would have done something by that time.

Q And you changed your mind?

A I have changed my mind.

Q And what changed your mind, anything in particular?

A Well they just told us in the Department that he was only slack on correspondence and they would check it up and they came out, I can remember that, and they checked him up on stuff. But nothing was done after we went in so many times.

Q And that is the reason you changed your mind?

A That is my reason.

Q Nothing Mr.Howat or Mr.Francey said or did helped to change your mind?

A No.

Q Did Mr.Kreye discuss the matter with you at all?

A No.

Q Are you now satisfied with the Secretary Treasurer?

A Yes.

Q Do you think he is competent and capable?

A Yes.

Q With the capacity to carry on his work?

A Yes.

Q And well worth the money you are paying him. Is that the idea?

A Yes.

Q You remember at a meeting you divided the salary and appointed Mrs.Pidgeon assistant at $600 and Mr.Pidgeon at $900. Why was that done?

A Mrs.Pidgeon came in and said she is always doing the work and she

thought she was entitled to some of that salary Mr.Pidgeon was getting. And then it was talked over by the council and by Mr.Pidgeon and Mr.Pidgeon mentioned it would be a good thing in another way if this was done because of the garnisheeing for his debts. He mentioned that he was not trying not to pay his debts but just to stop expenses of collection.

Q "Delay" is a better word isn't it, and stop garnishee proceedings. Is not that the idea?

A Well that is the fact.

Q But he said however he wanted to pay his debts and give him time and he would pay them?

A Yes.

Q But he did not want to pay expenses to Mr.Bryan and other impecunious lawyers for proceeding against him. Is that the idea?

A Yes.

Q Have you any further comments to make on Mr.and Mrs.Pidgeon for the manner in which they did their work?

A No I think not.

Q (Reading clause "J" of Exhibit 1). You yourself had an election?

A Yes.

Q And your opponent was whom?

A Pete Kulak.

Q Any relation of our friend Joseph Kulak?

A Yes he is a brother.

Q And you had a contest?

A Yes.

Q And you were elected?

A Yes.

Q Have you anything to say about any irregularities or improper

practice in connection with that election in your division?

A No.

Q No explanation to make?

A Well I heard this last few days that there was.

Q You have heard for some time there were complaints about the election in your division?

A Yes.

Q Mr. Coggles spoke to you about that?

A Yes he spoke, yes he mentioned to me.

Q And you knew it at that time?

A Right after the election.

Q You have known it for two or three months, that there were complaints about events leading up to your election, and the election?

A There is always a lot of talk before election and after election, but you cannot go by hearsay, and I did not pay much attention.

Q COMMISSIONER: Did you hear any talk shortly after the election to the effect that people out there thought the election was crooked?

A Yes I did.

Q Right after the election?

A Yes.

MR. PARLEE: What were the complaints that were made to you?

A Well that there was people from the beach had no right to vote and that I put people on the voter's list who should not be on.

Q You were a party in having names added of people who were not entitled to vote?

A Yes.

Q Any truth to that?

A No.

Q. Is there any truth whatsoever that you added or had added or requested names to be added to the list of people who were not entitled to vote?

A I did not tell them to put any on or take any off. I never took no interest in that.

Q That you did not ask or endeavor to have names added to the list?

A Yes.

Q Were there people voted that day who had no right to vote?

A I could not say.

Q You have no knowledge?

A No.

Q It is claimed that you went into Mrs.Pidgeon and asked her to add names to the list or to take names from it. Is there any truth to it?

A No such a thing.

Q Did you ever ask Mr.Pidgeon any such thing?

A No.

Q Did you ever ask Mr.Barrie to do that?

A No.

Q Did you ever ask anyone to see Mrs. Pidgeon or to do anything else to add names to or take names off the list?

A Well some ratepayers came to me and said I should put them on the list and when they did that I told them they knew where the place was and they should get on the list themselves.

Q There was nothing improper about that?

A No.

Q And you have told us all you did?

A Yes.

Q So far as you know was there anything improper or irregular in

that election either leading up to it or the conduct of the election?

A No that I can remember.

Q You are aware Mrs.Pidgeon was instructed to retain the contents of the ballot boxes. You are aware of that now?

A Yes, now.

Q And you are also now aware that she destroyed the contents of the boxes?

A Yes.

Q Did you know prior to the time that she destroyed them that she had been instructed by the Department not to destroy them?

A No I did not know a thing.

Q And did you know that she was going to destroy them?

A No.

Q So I take it that your evidence is that it was not until after they had been destroyed that you were made aware that she was instructed to retain them and had in fact destroyed them. Is that right?

A I do not know anything about it. After this investigation came up I did ~~not~~ know about it, but before that I did not know anything about it.

Q Did you request or suggest to Mr.or Mrs.Pidgeon that the ballots should be destroyed?

A No.

Q So you are totally ignorant of any wrong doing in connection with the destruction of the contents of the ballot boxes?

A No I had nothing to do with it.

Q MR COMMISSIONER: How did you feel about it when you heard they were destroyed? Were you sorry?

that election either locally or
election?

A No that I can remember.

Q You are aware that [illegible] of the ballot boxes.

Yes, now.

And you were also run in
boxes?

A Yes.

Q Did you know when [illegible]
had been instructed

A No I did not know [illegible]
And did you know that
No.

Q So I take it then [illegible]
they had been instructed [illegible]
instructed to retain [illegible]
that right?

A I do not know certain [illegible]
I did not know about it but before
this about it.

Did you receive or suppose [illegible]
should be destroyed?

[illegible] totally ignorant of any steps being in connection
[illegible] of the condition of the ballot boxes?
[illegible] to do with it.

[illegible] about it when you heard

A No I think there was nothing to be sorry about and nothing to be glad about. Of course the instructions for them to be left in the office, of course made it illegal that they were destroyed.

Q I suppose you did not censure your secretary treasurer for destroying the contents of the boxes?

A Well he said at the meeting it was done and he could not help it, that Mrs. Pidgeon did it.

Q And what else did he say. Did he tell you he had instructions to keep them?

A Yes.

Q And did he tell you he told his assistant that they must be kept?

A No he did not mention that. Well after they were destroyed he said that, but before that I could not say whether he did.

MR. PARLEE: Have you any knowledge of any irregularities in connection with an election either in your own division or elsewhere?

A Well I think there was a complaint about Mr. McKinely's division about the election.

Q When did you hear the complaints about Mr. McKinley's division?

A Oh right after the elections, more or less since this investigation started.

Q Did you hear it right after the election?

A Oh yes.

Q And you did not look into the matter at all?

A No. It did not worry me.

Q (Reading Clause "K" of Exhibit 1). Have you any knowledge outside of what you told us - any knowledge or information that would lead to the acquisition of such knowledge of any irregularities in connection with the affairs or business of this district?

A No.

Q Have you any complaints to make that you think ought to be enquired into?

A No, not particularly.

Q A person largely interested in Edmonton Beach is Mr.J.A.Barrie. That is true?

A I think.

Q He put the sub-division on?

A Yes him and Mr.Kulak. There is Poplar Beach.

Q But Mr.Barrie is interested in the Lake?

A Well I guess they are all interested.

Q Mr.Barrie is largely interested?

A Yes.

Q And it is alleged you constructed a road leading to the beach?

A Yes.

Q And what did that road cost, I mean in 1930. How much was spent on that road?

A There was spent,I think with culverts and all I think around $2500.00.

Q And that road of course is of great advantage to those interested around the beach. Correct?

A Not only to them.

Q I asked you is it not of great advantage or benefit to those interested in the beach?

A Oh yes. And not only to them alone.

Q It is of great interest and benefit to them isn't it?

A Yes of course.

Q And did you over expend your allocation for 1930?

A Yes.

Q How long is it - this road?

A A little better than two miles.

Q And it was gravelled last year?

A No.

Q You say it cost something in the vicinity of $2500?

A Yes.

Q Did you over expend your allocation for your division in 1930?

A Yes.

Q How much was your over expenditure in 1930?

A I think it was about around $2500.

Q An over expenditure of approximately $2500?

A Yes.

Q And you remember that in the minute read yesterday that there was a motion by Mr.Howat that the Province pay for all the improvements on this particular road?

A Yes.

Q And notwithstanding that motion you went ahead and spent some $2500 on it?

A Yes.

Q Notwithstanding that motion you did spend $2500 on this road?

A Yes, after there was more enquiry about it. This motion, I said yes to it.

Q Why did you make the expenditure. Tell the Court your explanation. We are entitled to it and it may be a perfectly proper explanation.

THE COMMISSIONER: Ask him when the expenditure was made and then what part of his appropriation he had used up prior to making the expenditure.

MR. PARLEE: What part of your appropriation or allocation to your division had been spent before you commenced the work on this road?

A I could not tell you exactly.

Q What was your appropriation for last year for your division?

A I do not remember that exactly. I will have to look it up. The Government grant was $3200.40 and $682, that makes a total of $3922.00.

THE COMMISSIONER: Well that would make $3882?

A The first item is -

MR. PARLEE: It is really $3240 and $682?

A Yes.

Q That makes a total of $3992?

A Yes.

Q When did you commence work on the beach road?

A Some time in July.

Q Now when you commenced work on that road how much other road work had been done and how much had you contracted for?

A I could not exactly tell you the figures.

Q Would it be the full amount of your appropriation?

A Oh it was not expended yet.

Q I did not ask that. I suppose this is a fair statement, that in the early part of the spring or summer you say "I have got $3922" and you outlined what you were going to do with it?

A Yes.

Q And had you in mind in June that you were going to build the beach road?

A Some work.

THE COMMISSIONER: How much did you estimate this work to cost,

in the spring?

A Well $500 or $600.

Q MR. PERLEY: You know of that motion that the Government was to fix up this beach road?

A Yes.

Q And notwithstanding that you go on and spend $2500 of the district's money. That is correct?

A Yes.

Q Tell us why you spent it?

A I would like to explain. After we had a delegation from the beach people about that road at our meetings I think twice, we went into the Department with the delegation?

Q Who are "we?"

A Myself and Mr. McKinley and some of the ratepayers were present and one of the members of the Grove council, Mr. McLaughlin.

Q Was McKinley a councillor?

A Yes.

Q What had he to do with your division?

A Well we asked him to see the Department.

Q THE COMMISSIONER: There was a resolution of the council that a delegation be sent from the council to see the Government about this road. Is that correct?

A That we should go in and see the Government, and we went and saw the Government about it and we saw the Deputy Minister and he said: "Well I am very sorry that I cannot help you except that you get your council to vote on it and we will take the matter over on a fifty fifty basis" and after the road was completed they would take it over. He told me to get the consent of the council and to vote on it and I said it would not be possible for me to do it as the council were against the road. [illegible]

talked it over for a while and he said: The only way I could help you out is if you would go and spend so much money if you put it up to standard that would give you 50-50 - that the Q Department would give fifty per cent of the work. We had no agreement. That was just said. And afterwards we made an arrangement with the construction company. It was mentioned at the council meeting - I asked the council if I could take that machine if it comes in, would it be the first place to do the work in our municipality and they said yes and I took the construction company and they went over the road with me before. And they told me it would not cost more to build that road than about $800 or $900, that they would build it and put it in shape that the engineers would pass it so I would get my fifty per cent from the Government. That is what they stated before they started to work, if I would put fresnoes in and teams besides that and after we had the road torn up pretty well and the money was spent and they were getting so much an hour and then it was not in a good position to leave it and I went on and spent more money to complete the road and I could not complete it to the engineers' satisfaction. And we were in again to see the Government and they have not given us anything on that road yet because it was not completed according to the engineer's instructions, and we have no more money now and we cannot go ahead.

Q Who did all this business, you or the council?

A I did some, and the council.

Q Did the council pass any resolutions other than the one deciding not to go on with the road?

A I don't know if they left it all just without motions or specific instructions. I do not know if there is a motion on file or not.

I could not tell you.

Q MR. PARLEE: That is your full complete explanation?

A Yes.

Q All you did about the big machine was you knew one was coming into that district and you asked the other councillors that they let you try that out in your division first?

A Yes.

Q But they did not tell you to go ahead and spend two or three thousand dollars in trying out the machine?

A Well I did not spend that much with the big machine. I spent $1930.

Q But you spent between $2500 and $2600 on the road itself. The council never told you to do that?

A No.

Q And all the sanction they gave about the big machine was not to go and over expend your estimate but just to test it in your division first?

A Yes.

Q What kind of road was there there before?

A It was a pretty good road. And there was another thing, the ratepayers had a petition sometimes. That was three or four years ago and that petition was to the railroad company and the railroad company wrote and asked me if I would put a good decent road in that would be good for all those farmers that they would put a siding in there alongside that road - the railroad company would. I think Mr.Bryan has a copy of the petition that was circulated by the ratepayers.

Q Were those ratepayers living there or was it those that owned the lots and lived in Edmonton?

A No, it was former ratepayers. [illegible]

would not tell you.

Q MR. ZARLE: Was

A Yes.

All you did about

into that district

let you try that on

A Yes.

Q But they did not

thousand dollars

A Well I did not agree

$1000.

Q But you spoke before

council after you

A No.

Q Adjusted in supervision

go and over around

division lines?

A Yes.

What kind of road

It was a pretty good road.

papers had a petition

and that petition was

company work and

that would be good for all concerned that they would put a

Q Have statements that road - the railroad company would

I [illegible] see a copy of the petition that was circulated

[illegible]

that time to open that road and it is a benefit to them all.

Q And have you anything further to add in regard to that road?

A And I have another road crossing south and north from the south road up to the highway. This is the only passable road. I have other roads but when it rains they cannot get through with their car for six miles between the fifth meridian and as far as my meridian goes.

Q I do not understand the approaches there but Mr.Howat said there were roads back and forth?

A Yes but are they really passable for cars? I would not say you cannot get through there but for two or three miles there is -

Q How is this road now when it is wet, the one you built?

A Oh it is slippery.

Q Like any other rough road?

A Yes.

Q Did Mr.Barrie ever give you a lot at the beach?

A No.

Q Has he ever made you any presents of any kind?

A No.

Q You have received no benefit or advantage from Mr.Barrie?

A No.

Q Did Mr.Barrie grub the beach road?

A Yes, that was in 1930. It was no beach road at all. It was a public road leading to the beach. It was on the road south and north leading into the beach.

Q Is it a public road?

A Yes.

Q And Mr.Barrie grubbed it?

A Yes.

Q What is the length of it?

A Would not be quite half a mile.

Q You have heard the story that he grubbed this free of charge and you compromised with him in some way. Is there any truth in that?

A NO.

Q You know the story to which I refer?

A Sure Mr.Barrie grubbed that and paid for it. That is all I know.

Q Did he make any charge at all for it?

A No.

Q Was there any compromise with Mr.Barrie in any way?

A No.

Q And did he tell you he was going to do it?

A Yes.

Q Did he ask for anything in return?

A No.

Q Did he get anything in return?

A No. Another thing Mr.Barrie always does every year is to do some work on the road every year, patching up and fixing up, about $25 or $30 and he does not charge anything up to the municipality. I suppose he thinks that is to his own benefit.

Q THE COMMISSIONER: What is the particular necessity of this road and these repairs?

A Well after a rain sometimes it washes out a little.

Q Who benefits by the roads. Is it valuable for the farmers hauling their grain and doing their business?

A Oh yes, for everybody.

Q And does it lead to a railway station or anything?

A Well if the road is completed, if it is a good road the railway company said they would put a siding in so the farmers could load their grain.

Q A siding in where?

A East of the road alongside the road. This road crosses the railroad track just half a mile south from the main highway.

Q Have they put a siding in yet?

A No they have not. The road is not completed yet. I do not know what they will do now but they could not complaint there was not a road.

Q Do the railroads insist out here that you have high grade standard roads before they will put in sidings?

A Oh no.

Q I suppose if you did a bit of work on it farmers could haul their stock to a railroad siding?

A Yes.

Q I suppose you had lots of roads in your district before you went to work on this one?

A Yes.

Q And why didn't you go and do work on those roads instead of spending $2500 to $3000 on a road to a summer resort?

A Well I figured it would be cheaper for me to keep up a two miles road than a six miles road, and that is my opinion. And that would be to the benefit of the whole district.

MR. BRYAN: How did they used to get to the beach?

A Going up the fifth and going along the south road. And I figured it would be cheaper for the municipality to build a two mile road and keep it up than to build a six mile road. It would be better for the traffic.

Q Well for what traffic - to get to the beach?

A Well to the beach, and the farmers.

Q Do they do any cattle or grain raising business at the beach?

A No.

A siding in Tacoma?

A Best of the men [illegible] the road track [illegible]

Q Have they put a siding

A No they have not. [illegible]

what they will do [illegible] a road.

Q Do the railroads [illegible] standard rules [illegible]

Oh no.

Q I suppose if you [illegible] their steel [illegible]

A Yes.

I suppose you [illegible] went to work [illegible]

A Yes.

Q And why didn't you [illegible] operating [illegible] to [illegible]

A Well I figured it [illegible] miles road than [illegible] six mil[illegible]

And that would be [illegible] [illegible] of [illegible]

MR. DRYAN: For did they used [illegible]

Going up the [illegible] and [illegible] [illegible] be economy for the municipality [illegible] [illegible] [illegible] [illegible] keep it up than to build a six mile road. It would be [illegible] for the [illegible]

[illegible] - to suit to the people?

[illegible] at the [illegible]

Q And you thought it was necessary to over expend your allocation of $2500 to $3000 on that road to the beach. That is about it?

A Well yes.

Q MR. PARLEE: Do you say that this arrangement with Mr.Barrie had no benefit except by putting earth on his land -

A Well it would be illegal if work was done on private property. We discussed that between us when I was going to do that work in taking this dirt off. I said there might be a complaint in. And Mr.Barrie considered it would pay several times for what I did on his property by him grubbing the road.

Q So there is some relation between the two pieces of work?

A Yes but he did not get no pay sheet. That is all what we have.

THE COMMISSIONER: Well had you any doubt about this being legal, what you did for him before?

A Well I thought -

Q Had Barrie any doubt about it being legal?

A Well the dirt of Mr.Barrie's property, I thought there would be a complaint.

Q So that when you did that work for Barrie, do I understand you to say that both you and Barrie thought perhaps you had no business to do it and it was illegal and then complaints were made and then he says:"Now I will grub this road and that will pay for it." Is that correct?

A We had that road grubbed already.

Q And was that in payment for what you had done after thinking it was illegal? Is that what happened?

A Well that was just talked.

Q Did Barrie go to you and say:"Now I have grubbed quite a bit of road here for you and I want you to do something for me."

Q Did he tell you that?

A No he did not mention that.

Q Well what talk had you about set-off?

A Well he asked if I would fill that in and level it off and I said maybe some of the ratepayers might come along and complain and what then? And he said:"Well I have grubbed all this road and if they say you had no right to do that work well it is paid for, I have done so much work for the municipality." And we just made it go in exchange and I did not think I had done something that was not legal.

Q Had you any doubt about it being legal or illegal when you did this on Barrie's land?

A That was only the talk between me and Mr.Barrie.

Q You and Mr.Barrie sat there and talked and you said:"Well I am not sure but what this may be illegal"and Mr.Barrie said so too and then you said:"Well let us take a chance." Is that what took place?

A Well I did not take a very big chance.

Q You were not a bit fussy whether it was right for you to go and fix that or not, were you?

A (No answer).

Q Were you?

A No.

Q Of course you were not. You just said:"I will give Barrie a lift whether it is right or wrong". Was that your attitude?

A Well no.

Q That is about what it amounts to?

MR. PARLEE: Have you anything further to add about your relationship with Barrie and this road?

A No.

Did he sell you them?

A No he did not sell them.

Q Sell what talk

A Sell be asked

said maybe

and what then?

and if they

for, I have one

made it a in exchange

that was not legal.

Q Had you an joint

this on Martha's

A That was on

Q You and Thomas

not seen him

and then you said: his

took place?

A Well I did not take a year

Q You were not a bid in

fix that or not, and so

A (No answer).

Q Were you?

A No.

Q Of course you were in his jun said: in two since life

Q It is right or wrong, as that you testimony.

Q Now tell said about your relations.

Q You know Mr. Andrew Kotscherofsky says he has never received his money yet for land you expropriated. When was that?

A I think in July the Government made a survey through and I went to him and told him that if he would let us go through by the survey and would take his fence and put it in another place how much he would charge the municipality for moving the fence and property and all, and we came to a conclusion $100 and I told him I thought it was all right and I would bring it up to the council and he was right there at one of the meetings and we told him that we did not have a complaint and we had to write in for the plan so we would know just what was in the road allowance. And we wrote to the Department and there was a ~~dmly~~ delay.

Q Well why has not it been paid?

A Well we were short of finances and I don't know whether we have the plan in yet.

Q You cannot pay it without the plan?

A No we would not know how much acres it would be.

Q You agreed on $100?

A We talked it over if he would be satisfied with that for fencing and all.

Q And have you taken the land?

A Yes.

Q And has he done the fencing?

A Yes.

Q And you all agreed upon $100?

A Well I would have to bring that to the council but we always figured out so much an acre.

Q THE COMMISSIONER: You were not trying to beat this man out

Or his land and lead him to believe you were going to give him $100 and pay him afterwards?

No.

Was he before to the elections of 1931. What was his

Mr. Price asked you if you did not settle with him for $100. Did you or did you not?

Yes I did.

Why didn't you pay it to him then. Did you say you would recommend to the council or you would agree to pay him $100?

He asked for that.

And did you bring it to council?

Yes.

And was it passed?

I think it was.

Why wasn't it paid?

We had not got the money.

Do you propose to pay it?

Yes it will be paid certainly. And then the council decided we would write to the Department and get the blue print before we would pay it. But it will be paid. It is not that we want to beat him out of his property or anything else.

You know Charles Price?

Yes.

Did you tell anybody or tell Mr. Price or Mr. Gauhardt prior

He says he cannot get a road at all. He complains he has to go around some neighbors place. He says you built this beach road and won't build him a road at all?

He has a road to his gate and I told him I would give him a road across his private property.

Do you know a man named Herbert

Yes.

Young man in law?

Q George Herbert?

A Yes.

Q What was he prior to the elections of 1931. What was his occupation?

A I do not know.

Q Was he engaged in your district with you?

A Yes.

Q Was he doing any work for the district?

A Weed Inspector.

Q And is he now weed inspector?

A No.

Q What happened to him as weed inspector?

A He was weed inspector for two divisions, for my division and division 1 and then we have changed this year that we have a weed inspector in every division,and with six divisions that means six different weed inspectors. So that made a change.

Q You have the discharging and engaging of a weed inspector?

A Yes.

Q And did you discharge him?

A Yes. He was hired for Division 1 and Division 6 so we both discharged Mr.Herbert.

Q And did you tell anybody or tell Mr.Price or Mr.Gerhardt prior to the elections that if you were elected you would discharge Herbert?

A No.

Q So the discharge of Herbert had nothing to do with your elections?

A No nothing whatever.

Q And who is now weed inspector?

A Jacob Ulman.

Q Where does he live?

A He lives on my brother's place. He has a place rented there just about a mile and a half out of town.

Q Is Mr.Herbert a pretty good weed inspector?

A No, the people complain.

Q How long had he been there?

A Two years.

Q When did Mr.Ulman start living in your division?

A Oh he has grown up in the division.

Q He is a constant resident there?

A Yes except last summer and last winter he was in Edmonton working, but he lives out there. That is where he has been brought up.

Q You did not say that if you were elected you would discharge Herbert?

A No.

Q Never to anybody?

A No not at election time.

THE COMMISSIONER: Well did you say it just before the election when you were going around canvassing?

A No.

Q Did you ever say to Mr.Pirce or Mr.Gerhardt that you proposed to discharge Herbert if you were elected?

A No,no.

Q Nothing in this story of $200 McKinley offered you if you would vote for a certain machinery deal?

A No.

Q No foundation in fact at all?

A No.

Q What is the financial condition of this district. Haven't you had some trouble financially?

A Oh yes quite a little.

Q How would you say the financial condition of the district is - pretty fair?

A Pretty fair.

MR. BRYAN: Before I deal with the question Mr.Parlee has brought up. There is one point brought up by Mr.Howatt yesterday. You remember hearing a discussion with Mr.Howatt with regard to the question of this tractor of Mr.Kreye's. Do you remember when that came up in the council?

A Yes.

Q And do you remember what took place at that time?

A It was talked over and I think there is a motion on the books.

Q What I want to know is did that discussion come up before the work was done or after?

A The way I understood it at the meeting and took it it was before the work was done.

Q Well now you heard Mr.Howatt?

A That was my understanding at the meeting - that the work was not done.

Q But you heard Mr.Howat say quite definitely the work had been done?

A Yes.

Q And Mr.Kreye was trying to put that through?

THE COMMISSIONER: Well we should not have any difficulty about this at all. You have the date of the resolution and the time sheet

Time sheet for August 1927, number 2 M filed as Exhibit 24.

THE COMMISSIONER: And what does that time sheet show?

MR. BRYAN: That time sheet shows that the work with the tractor was done on the 16th,17th, 19th and 20th of August. The minute hiring the tractor was on the 3rd of August and the road sheet was passed by the council on the 23rd of September.

MR. PARLEE: The names are what?

A Allen and Clausen.

Q THE COMMISSIONER: Why this man hired a tractor and put it in another man's name?

A MR.BRYAN: The implication is he went there deliberately and put his tractor on the road. It was drawn to the attention of the council and the motion was put. And he says he was not there at all and Mr.Allen signed the time sheet because he was doing the work and Mr.Kreye had no way of swearing to it.

MR. PARLEE: Well the point is he said there was no other suitable one.

Q MR. BRYAN: In regard to the question of this dirt that was levelle off at Edmonton Beach. There is one point I want to ask you with regard to that. This part that was fixed. Where was that, just at the entrance or at the north and south highway into where the gate is now?

A Just at the entrance.

Q Is that before the road branches off to south Edmonton Beach?

A Just where the roads branch off.

Q And the traffic going to south Edmonton Beach would pass over this part would it?

A No.

Q And you say that is a public highway?

A Yes.

Q There is a lot of traffic over that road?

A Yes.

Q Have you been down there on week days and other days?

A Oh yes I have been down there quite often.

Q Do you find many of the farming people going there?

A Oh yes lots sell vegetables.

Q But I am not talking about that?

A Oh yes a lot of them all around.

Q You find a great many people from the north and south are at the beach?

A Yes.

Q By taking this dirt off Mr.Barrie's place is it costing the Municipality any more money?

A No.

Q Was it the easiest and best way to do it?

A Yes.

Q To take it off the land right beside it and throw it on to the road?

A Yes.

Q And in doing that you asked Mr.Barrie's permission and brought that dirt in there?

A Yes.

Q You mentioned in your evidence I think -

THE COMMISSIONER: Was it any advantage to Barrie to have that road taken off that particular place?

A No I think it was not much advantage.

Q Well was it any?

A Well I could not say it was much.

Q Was there any dirt there that Barrie wanted to get clear of or

did you make an excavation as could be for the purposes of a cellar or anything like that?

A Oh no - just levelled up the ground. Of course it is used more for parking ground. It may be some advantage to Mr.Barrie but I think it did more to the public.

Q Barrie had that land there and it was uneven, irregular land, was it, and could not be used for parking purposes without being level, is that correct?

A Oh it could be used.

MR. BRYAN: Had it been used before?

A Oh yes it had been used all along. It was just higher than the place I filled in but they could drive over it and park on it just as well without taking it off. It was just a little steeper to get up.

Q And you cut off the knoll to fill in on the road?

A Yes.

THE COMMISSIONER: Was the knoll on his land?

A Yes.

Q And if you removed that knoll would it be easier for cars to get up there and park?

A Yes.

Q So you were really rendering Barrie a benefit by making more available his land for parking purposes for cars?

A (No answer).

Q Now be frank about this?

A Yes.

Q And you knew perfectly well when you did this that you were rendering a benefit to Barrie, didn't you?

A Yes.

Q Of course you did. Why didn't you tell us that an hour ago. I don't know how much of a benefit it is but you could have told us that just as well an hour ago that you knew perfectly well when you did that and removed that knoll you were doing that as a benefit to Barrie?

Inquiry adjourns till 2:00 p.m.

2:00 p.m. Inquiry resumes.

MR. BRYAN: With regard to this road that was fixed up at Mr. Barrie's place. You mentioned at that time that this road was a public road?

A Yes.

Q That was correct. Is that a public road at the present time?

A Yes.

Q Is it a public road now or has it been cancelled?

A I think it was cancelled this spring, but they still use it.

Q But part of it has been cancelled this spring?

A Yes.

Q And at the time you did the work was it a public road or a private road?

A It was a public road.

Q When you took this dirt where did you take it from?

A Right from the end.

Q I think you said there was a kind of a hill or knoll?

A Well it was a knoll here and that is where I filled in.

Q There is just one thing I want to get down to. Regardless of the question of whether it was any benefit to Mr.Barrie or not, did it cost the district anything, any more than any other way?

A No.

Q Was there any better way you could get the dirt?

A No.

Q The cheapest way was to take it from there and dump it in?

A Yes.

Q What would the total cost be?

A I could not remember exactly.

Q How long would they work on it?

A Two or three hours.

Q With how many teams?

A With the engine and fresno it was $9.00 an hour,and they levelled it up with the grader and that would be $12 an hour. It would be between two and three hours all told. They charge $9 and $12 an hour. When they used the big heavy grader they charged $12 and when they used the fresno it was $9.00.

Q Isn't it a fact that quite often in fixing up your roads -

THE COMMISSIONER: I suppose it would run anywhere from $25 to $40?

A It would be about that.

MR. MAYAR: Isn't it a fact that often in running roads you are forced to take dirt from private land?

A Yes.

Q And what do you do to the parties you take the dirt from?

Q I think you said there was a kiln

A Well it was a small room [illegible]

Q There is just one [illegible] 3 [illegible]

the question of whether it

did it cost the District

A No.

Q Was there any better

A No.

Q The cheapest way was

A Yes.

Q What would the total

I could not remember exact

Q How long would they work

A Two or three hours.

Q With how many people

A With the engine and [illegible] it

it up with the heater [illegible]

between two and three hours [illegible]

hour. When they used the kiln

when they used the freezer it was [illegible]

Q Isn't it a fact that [illegible]

THE COURT REPORTER: I suppose it would [illegible]

$400?

A It would be about that.

MR. BRYAN: Q It is a fact that often in [illegible]

[illegible] is data from

A Well we pay them.

Q Was anything paid to Mr.Barrie at all?

A No.

Q And he got no benefit except whatever benefit he might have by having it levelled, ?

A Yes.

Q But generally when you take dirt from a man's land you pay him for the dirt?

A Yes.

Q Now with regard to this Beach road. I think you told the Court that there was no station at Edmonton Beach?

A Yes.

Q Do the trains stop there?

A Yes it stops and lets passengers off at the beach in the summer time, for the beach. It is a flag station.

Q Is it just a post up there?

A Yes and they flag the train.

Q Now then with regard to getting up to the highway. Mr.Howat was mentioning about some people. Take the case of Mr.Speakman. How far would he have to go in order to get to the highway. Do you know his place?

A Yes.

Q How far is it from the main highway?

A He will get to south of the highway about a mile and a half.

Q About a mile and a half of this road?

A No, on the road further west.

Q How did he go in order to get to the beach?

A Well he goes most of the time around by the beach. He goes away around the south end by the beach and he comes through the other

way once in a while, but it is rough going.

Q How can he go now?

A I think he comes out straight north now. I have done some work on that road this summer.

Q So it does benefit people to get up to the highway as well as down to the beach?

A Oh yes.

Q Now you were mentioning about Mr.Kreye being at your place and speaking about big machinery. How did Mr.Kreye stand with regard to that?

A Well he was always in favor of big machinery but some of us was not and I was surprised when Mr.Kreye had changed his mind and would not support it any more.

Q He had personally been in favor of it?

A Yes.

Q And he had changed over and was the other way?

A Yes.

Q This was the first meeting after the new election?

A Yes that would be in March.

Q How much did you suffer from these big implement men?

A An awful lot.

Q In the spring how many meetings would you say they attend?

A Sometimes if they expect we will buy anything they attend every meeting they know of.

Q And do they cause you a lot of inconvenience and waste of time

A Oh yes they do.

Q They are always talking and trying to convince you you should lay down big machinery?

A Yes.

Q And it would be natural Mr.Kreye would want to settle the thing rather than have them come to each meeting and waste the time of the council?

A Yes, that was Mr.Kreye's idea.

Q I think Mr.Parlee asked you about any questions of any bribery, whether you had been offered a bribe. You have spoken to a lot of these implement men at times?

A Yes.

Q They have come to you privately?

A Oh yes they did.

Q And did they ever hint that there might be a consideration in it?

A I could not make out this - one of them said once that he would make it all right but whatever he meant by it I do not know.

Q But he never said anything definite?

A He never said anything definite so I think it is nothing.

Q And did you ever receive anything from them?

A No.

Q Did it influence you, what he said?

Q No, I am always against big machinery, yet.

Q Did you ever mention that to anybody?

A I may have mentioned it to some of the ratepayers.

Q But you did not fall for the influence?

A No I did not.

Q Now with regard to this road to the beach. The council knew you were employing the big machinery for a certain time?

A Yes.

Q And they knew that it was going on the beach road?

A Yes.

Q They [illegible] I believe to see the work on that beach road

A Yes some of them did.

Q Did you ever talk to any of the councillors about the position you found yourself in over this machinery?

A Yes.

Q Who to?

A Well just before the outfit pulled out I had not finished the road and Mr.Kreye mentioned that he would do some more work if he was in my position and I said I was over spent already. He meant to earn the grant.

Q You had been watching this big outfit and it had been running you into debt?

A Yes.

Q And you had been counting on finishing this road and getting the grant from the Government?

A Yes.

Q And you found you could not get enough graded up to Government standard and then you talked it over with Mr.Kreye?

A Yes.

Q And he said if it had been him he would spend a little more in order to put it up to standard in order to get the grant from the Government?

MR. PARLEE: May I call your attention to the fact that you are telling the witness and he is not giving the evidence. May I suggest that you ask the questions and let him do the answering instead of you telling him, the witness.

MR. BRYAN: This is supposed to be cross examination.

THE COMMISSIONER: Go ahead.

Q MR. BRYAN: Did you do that?

A No. The machine was ready to pull out at the time.

Q When you got the big implement and had worked out as much as you intended to spend on that road just what attitude did you take then? You said you were going to spend $700 or $800, and what was your attitude then?

A Well the road was in such a shape that I could not leave it that way.

Q It was just half done?

A Half done, and I had to complete it.

Q So you could get the Government grant?

A Yes.

Q And that is the reason for you getting into the mix-up you got into?

A Yes.

Q Because you got into one already?

A Yes.

Q But as far as the council are concerned they knew you were going to at least do some work on that road?

A Yes.

Q And there was no attempt to go deliberately contrary to the motion?

A No.

Q And if you went too far it was not because you intended to go contrary to the motion?

A No.

Q When you appoint a weed inspector for how long do you appoint him?

A For the season.

Q And each year does it come up automatically?

A Oh yes, it would come up each year.

Q Do you know if there was a motion to dismiss Mr.Herbert?

A Oh yes.

Q Was there a motion to that effect or did you appoint somebody or what?

A There was a motion we dismiss Mr.Herbert.

Q And who appointed him before?

A The council did.

Q As a whole?

A No, just division 1 and division 6.

Q And this year the council decided to have one -

A - for each division.

Q And you decided you wanted who?

A Well there was an application in from Jake C. Ulner.

Q And did Mr.Herbert have an application in?

A No.

Q But he had been in the previous year?

A Yes.

Q And did the council consider the applications or did they take your recommendations?

A Well we all talked it over.

Q And as a result of that Mr.Ulner was employed?

A Yes,sir.

Q MR. PARLEW: Did you suggest to the man that he put in an application,or how was it?

A Well he heard the talk we wanted a weed inspector and he put in his application.

Q But had you talked to him?

A No.

Q COMMISSIONER: Jacob could inspect the weeds all right?

A Well I had no complaints about him.

Q But you had complaints about Herbert?

A Yes I had a few.

DONALD McDONALD called and sworn testified as follows:

Examined by Mr.Parlee:

Q Where do you live?

A I live in Division Two.

Q That is in Mr.Kreye's division?

A Yes.

Q And how far from Stony Plain?

A About seventeen miles.

Q And how long have you lived there?

A Twentyeight years.

Q You are a farmer out there?

A I have been, yes, sir.

Q And you have seen notices of this inquiry?

A I have.

Q And have you got some complaints or evidence that you desire to bring before his Lordship?

A I have.

Q Will you tell them in order. Have you any notes on the matter?

A I have.

Q Will you tell his Lordship what complaints you have to make regarding any irregularities or misconduct in connection with the

A Well I had no complaints about him

Q But you had complaints about ...

A Yes I had a few.

affairs and transactions of this municipality?

The first is about an election held in 1924 in Division 2. Councillor Shaw was elected, which complaint I am alleging against the secretary for taking an active part in electing a councillor where he had no right to.

Who was the secretary?

A Mr.Pidgeon. By typewriting a form or stating that all ratepayers must be resident ratepayers of the district otherwise they were not eligible to vote. Later I complained to the Department about the action of Mr.Pidgeon typewriting that form which he acknowledged doing, later. The Department sent out Mr.English to try and see what was going on in the division. Mr.English came out and there were none of the counnillors familiar with Mr.English at the time. Mr.Howat was Chairman and I had asked the Chairman if I had not the right to say something before Mr.English arrived there, and I was on the floor speaking when I was called on the phone by Premier Greenfield, that Mr.English was on the way and I asked to be excused from the floor until he arrived. Well none of them knew anything about Mr.English. They did not know him by sight, anyway. So when he came I met him and took him into the meeting in the bank building here and I introduced him to the councillors and Mr.Howat asked if I wished to continue with anything I had to say. So I did.

Was Mr.Pidgeon present?

A Absolutely. And I continued with what I had to say and it was this - I asked the chairman that I wanted to find out the qualifications of a voter which I had Mr.English here to explain the matters as to who was qualified to vote at any municipal election; as the statement was written by our secretary that all

our ratepayers had to be resident ratepayers or they were not eligible to vote. Mr.English explained that any man who was a registered owner of land anywhere in the Province was liable to vote at a municipal election provided he did not vote at any other council meeting that day. The elected councillor got up and ordered Mr.English out of the house and wanted to know what business the like of him had to come there and Mr.English promptly told him who he was, that he did not come here to be insulted by the like of him or he did not come here himself to insult anybody.

Q THE COMMISSIONER: Who got up?

A Mr.Shaw ordered Mr.English out and asked who he was and so on and Mr.English told him exactly who he was. Well later on that year there appeared on a pay sheet one Rod McLeod.

Q Did Pidgeon say anything?

A Well I had charged him again with it and he got up in the meeting and acknowledged he did that but he would never do the like again. That was right in the meeting.

Q At whose request did he say he did it?

A He did not say exactly who he did it for but I have my own ideas who he did it for and why it was done. Later on in the season there was a man by the name of Rod McLeod worked at my neighbor's place 23rd, 24th, 25th and 26th of June, 1924, which later he appeared on pay sheets for those very dates.

Q What dates were those?

A 23rd, 24th, 25th and 26th of June, 1924.

MR. PARLEE: 1924 or 1925?

A 1924.

THE COMMISSIONER: He was at your place during that?

A at my neighbor's place on those dates working there. Those same dates he was placed on pay sheets in Division 2.

Q Who was the councillor?

A G.H.Shaw.

Q Who was the foreman?

A Charles Clarke. I again appealed to the Department.

Q Did you report that to the council?

A I did.

Q Did you report it to the Secretary Treasurer and Reeve?

A I reported it to the whole Board and Council.

Q Who were all on the council then?

A Well there are three who are not on it now. I think Mr.Howat was on Mr.Hopkins, Mr.Tattersall, Mr.Shaw, Mr.McKinley and Goertz.

Q MR. PARLEE: Who was he working for at that time?

A Mrs.Helen Fryer.

Q And did you see the pay sheet?

A Yes.

Q And who was the road foreman?

A Charles Clarke of Bright Bank.

Q Did you take the matter up with Mr.Pidgeon?

A I did. I took it up with the whole Board. After this had happened I took the matter up again with the Department.

Q THE COMMISSIONER: What did the council do?

A They did nothing.

Q What did they say, or any of them?

A They would look into it, as they always do. I took the matter up with the Department again. I wrote them a letter and they sent out an inspector, one Mr.Kilney; and he produced my letter to the councillors at the time. I do not just recall it but it was

shortly after that. And Mr.Kidney asked what my objection was to the pay sheets and I told him that I did not think but what there was all kinds of room for complaints against this pay sheet as this man worked at my neighbor's place on those dates and I had an affidavit from the lady he worked for and also had the man along with me who was supposed to have done the work and I showed the pay sheet to the man and to the whole house and he denied ever seeing the pay sheet.

Q MR. PARLEE: Who denied having seen the pay sheet?

A The man Rod McLeod said he never seen it, right there in council. The place was filled like this. I asked Mr.Kidney when the pay sheets were discussed and I said:"Will you kindly put your initials on this pay sheet?" And he said:"Why?" And I said:"Well we will know it when we see it if we ever do" and he refused. He said there was no need of it. So he ordered Mr.Pidgeon to return these sheets to Mr.Clarke and have them looked over and whatever they omitted fill them in and fix them up someway. I came to the council meeting for four different months before there was any pay sheets come back and I asked Mr.Pidgeon for them and he handed me a bundle of pay sheets and this one was not in it and I asked him about it and he said:"Well it is all I can get" and I never seen that pay sheet since. And if I recollect there was only two men on it.

Q What foreman signed it?

A Charles Clarke of Bright Bank.

Q Now a little later in that year, on Friday the 26th I think it was he went to Mr.Clarke's to continue working for him.

He left Mrs.Fryer's on the night of the 26th and went over there; I don't know exactly what time he worked at that but it was not

very long and he received a pay sheet which he started out from Mr.Clarke for some $70 or $75 saying this pay sheet is coming to me, it is in McLeod's name and he states to me before a witness he delivered that cheque to Mr.Clarke. And shortly after that Mr.McLeod gets his own cheque and when his board was taken out it was $25 or $26 and he left immediately for the Prairie. And some time after he left his family was in questionable circumstances and there was another cheque of $15.00 coming to Rod McLeod and his wife was very hard up and she come to me and I asked if she was justified in cashing that cheque of her husband's which I told her that I thought she was, and she was in need.

Q Who is this Helen Fryer?

A She is a very elderly lady of our division.

Q Did you get a declaration or affidavit from her?

A I have.

Q Sworn to on the 3rd of September, 1925?

A Yes.

Affidavit of Helen Fryer filed
as Exhibit 25.

Q Is that all you have to say about that?

A Yes that is all of that.

Q THE COMMISSIONER: How far was her place from the place where he was supposed to have worked?

A About three miles.

Q And might he have worked there and you be mistaken?

A Absolutely not because I see him every night.

Q But might he go and work in the daytime and come back at night?

A No I saw him at the daytime at this lady's place working.

Q What was he doing?

A Usually farm work, driving a team and ploughing.

Q And you saw him around there yourself?

A Oh yes absolutely.

Q MR. ENGLISH: You said this was in 1924?

A Yes.

Q I have some knowledge of coming out but I have no knowledge of being thrown out or anything of that kind. You and your brother had several complaints that year.

A I presume we had.

Q You were satisfied there was a thorough investigation into all your complaints?

A No.

Q Why?

A Because there was nothing done absolutely.

Q Will you tell his Lordship what happened to Mr. Shaw?

A When?

Q What happened to Shaw as a result of some of your inquiries and our investigations?

A Well Mr. Shaw, he was defeated in a campaign in our district. He had been trying to purchase big machinery which he purchased one big grader, one that was not fit to use in our division, it could not be used even with a tractor. Well anyhow, the auditor put that grader on the financial statement and when Mr. Shaw meets the auditor again he says: "Good Lord, what business did you have to go and put that on the financial statement, good man I will be lost at the next election" and he was.

Q And Mr. Shaw left the country?

A Yes.

Q And I think you came and reported to us that as a result of you in particular getting after him he had left the country?

A Not me. It was lack of support.

Q I want to get this clear in the ratepayers' minds. The investigation was promptly held into this case on the charges laid against Shaw?

A Yes.

Q You and your brother expressed yourselves as very satisfied with what the Department had done?

A I never have.

Q And you subsequently said you chased him out of the country?

A We may not have chased him out of the country. We were the means of him leaving that night.

Q I am going to say to you what I said to that meeting. I said at that meeting that any elector whether resident or not had a right to vote. I defined what an elector was?

A Yes.

Q It was a little more than what you said. But what I made clear was that it was not confined to resident ratepayers?

A Absolutely.

Q They could be anywhere in the municipality and vote?

A Yes.

Q But only in the division in which they were entitled?

A They could vote, that is just exactly what was said.

Q THE COMMISSIONER: What do you hope for us to do in regard to this?

A I have no suggestions to make.

Q Well against whom is your complaint?

A My complaint is against Mr. Fidgeon for typewriting this form

Q Think you know [illegible]

You in particular, don't

A Not me. It was I

Q I want to get this [illegible]

Invest. gation was brought

laid against them?

A Yes.

Q You and your brother

that the Department

A I never have.

Q And you subsequently

He may not have [illegible]

of him leaving him [illegible]

Q I am going to ask

at that meeting that [illegible]

right to vote. I believe

A Yes.

Q It was a little more than

was that it was not anything

A Absolutely.

Q They could be anywhere in the world

A Yes.

only in the States in which [illegible]

A If by could vote, it is just exactly

[illegible] What do you hope for [illegible]

which he got up and acknowledged.

Q He sent that out to everybody I suppose?

A Yes in English and everybody who understood it.

Q But he sent that to all the electors did he?

A No he did not. That is the only man he wanted elected.

Q And was it mailed to you?

A No, sir, it was handed to the returning officer and however he got it I do not know but I protested against it at the council election; it was unfair and illegal for such a thing to be done.

Q MR. PARLEE: This was in your division?

A Yes.

Q Your complaint is that Mr. Pidgeon sends to the returning officer of that division this particular typewritten article which specified who were entitled to vote?

A Yes.

Q And you say it was done for the purpose of checking Shaw?

A To mislead people at the Poll - nothing else to be frank. It turned away lots of voters who would not vote when this was before them.

THE COMMISSIONER: Do the instructions given to returning officers contain the qualifications of those who were entitled to vote?

A Yes they are in the last Ordinance sent out by the Department of Municipal Affairs and I presume they furnish the returning officer with a copy of the Municipal Ordinance.

Q Do they have any printed instructions?

A Nothing but the books as far as I have ever seen.

Q And do you say that Pidgeon sent this only to Shaw?

A The only one who ever got one was Mr. Shaw's returning officer.

Q And you were in Mr. Shaw's division?

A Yes, sir, in Division Two.

Q You were not a candidate were you?

A No, sir.

MR. PARLEE: Have you anything further you want to say?

A Yes.

Q Do you want to make any reference to this letter?

A Yes. In the year 1925 there had been various rumors that so many pay sheets have been going in, just rumors, and possibly a whole lot of truth and facts to them. But Mr. Day met councillor Shaw in Edmonton and asked how long he would be working on the market road so he could inspect it. And he was passing through Carvel and he gets a letter from Mr. Pidgeon.

Q Who gets it?

A Mr. Day the engineer. And he asked when he was going to complete his work on the market road so he could inspect it that fall and Mr. Shaw said he was going to start on it as soon as he got home. About five days after that he got a letter from Mr. Pidgeon and Mr. Day that it was rather short of him to spend the amount of money mentioned in this letter. And going through Carvel he asked Howat if I thought I was in a position to tell him what Mr. Shaw had spent on the road. And I was asked this and I said I would give him a fair estimate but it would not be really fair for them to ask me to go and give any statement against Mr. Shaw because we are not on very friendly terms and I would rather be excused but I said: "I will recommend you a man that will be fai to both sides and that is Mr. James A. Young." So Mr. Day came back and he writes this letter to Mr. Young and Mr. Young handed me this same time ago. And Mr. Young sent in a statement somewhere about $220 thereabouts, and not anything over and I did not think myself it was much over and I did not report it, these account

Q Did you see Mr. Day?

A No, sir.

MR. PAMPIN: Now

A Yes.

Do you mean to say

A Yes. In the year 19 ?

Pay sheets for

lot of truck and

in Edsonton

road so he could

and he gets a lot

he gets it

A Mr. Day the engineer.

his work on the

and Mr. Shaw said

home. About five

and Mr. Day this

of money gambling

asked Howard if

Mr. Shaw had spent on him

I could give him. Fair enough

for them to get us to the site

because we are not on your friendly

accused but I said: I will recommend you

and that is Mr. James A. Vance

this letter to Mr. Hunter on it from

Mr. Lowe gave to a of Edmont Sources

by Pick Over. As I did

Report it; these expenses

so they could not think I was spiteful or biased. And Mr.Day when he received a letter from Mr.Young with the correct statement he refused to give the grant knowing that according to the statement Mr.Young had wrote - Mr.Young was quite reliable and he knew the letter was pretty nearly right. That was in November 1925. That annual meeting came up in February I believe and all the ratepayers turned out. Mr.Pidgeon lived in Duffield and when the ratepayers called at the annual meeting there was no pay sheets or no books or anything there, just Mr.Pidgeon might have had something in his pocket, I don't know, but nevertheless I asked him where the pay sheets were and he said they were at home and I said:"What are they doing home, this is a ratepayers' meeting and I think we are justified in seeing the pay sheets." Mr.Pidgeon frankly refused to go home to get the pay sheets right there. Mr.Best the auditor got up and said:"You are in duty bound to go home and get these pay sheets as this is the annual meeting of the whole Municipality." And Mr.Pidgeon refused again unless there was a raise of hands. His house was a couple of hundred yards from the school house where the meeting was held. Well everybody in favor of justice put their hands up and there was no one against it and Mr.Pidgeon went home and got the pay sheets. When he came back with them he asked me what I wanted to see. I said I wanted to see what money was spent on the market road between 27 and 28, between 21 and 22, 15 and 16; how much was spent. And he dug up the pay sheet and all the pay sheet - we just got one, and I said:"Are there any more"? and he said no and I looked through myself and there was not. I said to the house:"Mr.Pidgeon says this is the only pay sheet on the market road in Division 3." And I said that the pay sheet

only showed an expenditure of $218.50 which Mr.Pidgeon stated in this letter there was $616.95 that Mr.Shaw had spent that Fall. And there was not one dollar spent between 27 and 28 and there was not anything spent between 21 and 22. It was only between 15 and 16 and only $218 all told instead of $616.95.

Q THE COMMISSIONER: This is not over Pidgeon's signature?

A No it is a copy.

Q Where is the original?

A Mr.Day has it.

Q Where is Mr.Day?

A He is an engineer in the Department of Public Works in Edmonton.

Q I suppose that letter would be available on the files?

A Yes.

Q Well you had better have it looked up. Mr.Day's letter was November 13th,1925. The file number is 42-520. Now,in a word, Mr.McDonald's charge against Pidgeon in this connection is that for the purpose of enabling Mr.Shaw to get a grant for his Division that Pidgeon represented to Day the engineer of the Government that Shaw had done approximately $600 worth of work which would entitled him to the grant. Whereas in fact the actual value of the work done was only $218.00. Is that your charge?

A Yes,sir.

Copy of letter dated November 13,1925 from Harry S.Day to James Young, filed as Exhibit 26.

Q MR. ENGLISH: Are you aware that the District Engineer you refer to before the Municipality gets any money at all comes out here and measures up the work and satisfies himself?

A I have no idea of what system it is.

Q Well as you have related it now this letter goes in to Day for the purpose of getting $600 and there was only $218?

THE COMMISSIONER: As a result of what Pigeon told him Day communicates with Howat and Howat communicates with McDonald and McDonald suggests that Day get in touch with Young and Day goes home and writes a letter to Young and asks about this work.

A They never even measured it. They just take it for granted when a councillor puts in a report.

Q THE COMMISSIONER: You might read that letter out.

(Mr.Parlee reads Exhibit 26).

Q Have you anything else?

A No.

Q You have exhausted your recollection?

A I think so.

Q Did you have any discussion with Pidgeon as to the report sent in to the engineer?

A Yes.

Q What did you say in regard to that?

A Before I said anything about the letter I questioned Mr.Pidgeon quite closely and asked him how much they had spent on the market road. He said the pay sheet will show it and when I seen the pay sheet I said:"Well it is very funny the pay sheet only shows $218.50 and it is quite possible that you have mentioned something to the Department there was something more."

And he said he never did and I said:"Now anybody is liable to make a mistake. You are sure you have not wrote the Department Mr.Shaw spent over $600?" And he said not, and I asked Mr.Young if he could produce that letter and he pulled it out and I asked Mr.Pidgeon if that was a copy of his letter and he never denied it to me. That was in the public meeting at Duffield. I took that letter and showed it to all the councillors there.

Q You say the secretary reports that Mr.Shaw has worked on the road east of section so and so to the extent of $600. This is not a copy of a letter from the Secretary?

A Well I may be mistaken in that.

Q The letter speaks for itself?

A Yes.

Q Did Mr.Young or anyone there have a copy of a letter from the Department?

A No, that is the one I refer to. I maybe mistaken in that. Now the fact that he spent money between 27 and 28, 21 and 22, there was not one shovelful done. It was all commenced at the northeast of 16 and went south for a short ways.

Q Have you anything to say in connection with any other matter of interest to the Commission?

A Well while this tractor business is in order.

Q That is the tractor of Mr.Kreye's?

A Yes.

Q Can you add anything to what has already been said?

A Well I am under the impression I can. Mr.Howat told me the same words he told in this Court.

THE COMMISSIONER: Do you know anything of your own knowledge?

A When the tractor was at work I am more than sure it was before

And he said he never did. He
made a mistake. You are sure you
Mr. Shaw spent over $600?" and
if he could produce
Mr. Pidgeon if that
it to me. That was in
that letter and shows
You say the secretary
road east of section
not a copy of a letter
Well I may be mistaken
The letter speaks for itself
Yes.
Did Mr. Young or anyone
Department?
No, that is the one I refer to.
Now the fact that he said
there was not one wheelbarrel
northeast of 16 and 17, 1?
Have you anything to say in behalf
interest to the Commissioner?
Well while this transfer business
That is the transfer of Mr. Kreyer?
Yes
Can you anything to which has alleged
[illegible] the impression I get, Mr. Commissioner will no doubt
[illegible] the Commissioner
a word [illegible] anything [illegible] of your own knowledge
I am not [illegible] what is before

harvest because I had men working helping has to clear land and it was after that that the tractor was working some tim from early in August for a few days and the tr ctor is suppos to have worked on the 31th or 16th of August.

Q Do you say that tractor did work subsequently to the 13th?

A It was before the 13th.

Q That would be what year?

A 1927 or 1928.

Q This is August 5th,1927,(Reading resolution)?

A That is wrong.

Q What I am asking is do you know whether the tractor worked or not prior to the 5th of August?

A I can't tell distinctly but it was a week or so before the 10th, somewhere very early in August when that tractor must have worked. It would be early August. There was some men cleared land and they were through just about the 5th of August and it was a day or so later they got that tractor on the road and I myself met it on the road somewhere near that time and I was talking to the driver of the tractor and I asked him in an offhanded way that he must have had a good stand in to drive a tractor he did not own and he said:"All I get is fifty cents an hour." And that was none of my business.

Q Who was the man?

A Walter Allen.

Q The resolution says there was no other suitable tractor in the neighborhood available?

A Yes.

Q What have you to say about that?

A There were three and are yet.

Q I think you ought to enlighten the Commission a little further

Q as to that, particularly as to what tractors you think were there?

A Mr.Conine had a good tractor at that time, a John Deere and would do as good work as any other tractor and pull a grader just as good as Mr.Kreye's.

Q What power was on the drawbar of the Conine?

A I have no idea. It is a new tractor and does the same kind of work as Mr.Kreye's does.

Q You cannot tell the drawbar?

A No.

Q And Mr.Kreye's?

A Is the same. They are both the same.

Q Were you here when Mr.Kreye gave his evidence?

A Yes.

Q I took it from him that he said there was no tractor that had drawbar power. Is that what you gathered from him?

A Yes, no other tractor could do the same work his could and it is a known fact that anyone will. There is one, a Fordson might not be able to handle the same grader but John Kotscherofsky had one, I do not know the make; that would do it.

Q And what about the third one?

A Well it is a Fordson. I do not say it would pull the tractor the same as the rest but still it would give good service.

Q Whom did the Fordson belong to?

A Walter Scheiderman.

Q I think it is admitted Allen got the cheque?

A Yes.

Q How Barnes?

A He has one.

Q Have you anything to say about Mr.Barnes?

A No.

Q Have you anything else to say about the tractor?

A No,sir.

Q THE COMMISSIONER: Have you anything else to say about anybody or anything in connection with this investigation?

A I have.

Q All right,let's have it.

A Now regarding Mr.Fred Kreye, I was present at Mrs.Helen Fryer's the night or so before the election of 1930 and Mr.Kreye came in there and stated to Mrs.Fryer, a very elderly lady, that he did not come around here to ask her for her vote but if she came out and voted for him and he got elected he would wipe her taxes off the slate clean and if he failed to do that he would get her $30 a month till her taxes was clear, which he failed.

Q I asked Mr.Kreye that question.

A Yes.

Q And he denies it?

A Absolutely.

Q How long before the elections?

A The night before.

Q I think you ought perhaps to add something to that, that if she would come out and vote for him that he would clear her taxes?

A If elected.

Q What did he mean by that?

A Well she was behind in her taxes, I don't know how much, I presume a couple of hundred dollars and she is helpless and five grandchildren to support and a daughter-in-law and very little money, enough to vote for him.

means of doing it.

Q Is she obtaining relief?

A For the last couple of months she gets old age pension.

Q Why would he pay her $30 a month until they were paid?

A To get the taxes cleared up.

Q That was a lot of money to pay for a vote?

A Yes and we are paying for it. That is what hurts.

Q Do you mean to say Mr. Kreye said he would see her taxes were cleared off. How did you judge they were to be cleared off?

A Well the way I figured it, the old lady - the council might have compassion on her and wipe it off. No one man can do it and no one man has the right to do it.

Q And the $30 a month?

A That is the way he put it. But he said you could not do it. He brought it up at the meeting and it was mentioned that if they did it for one they would have to do it for all and that they could not do.

Q Was anybody present when this conversation took place other than you and Mrs.Fryer?

A Yes the young woman, the daughter-in-law.

Q What is her name?

A Julia Fryer the daughter-in-law.

Q Anything further you have to add to that?

A Nothing only the conversation that took place at the council meeting?

Q Were you present?

A No.

Q Do you know of any other offer made by Mr.Kreye?

A To whom [illegible]

Q To any other person to vote for him?

A Nothing I know of personally.

Q Your information is about two other persons Schultz -

A It was alloged he had given Mr.Schultz -

Q If we want any information we will have to get William Schultz?

A Yes.

Q Is he available?

A He is in the country.

Q Frank Hess?

A Yes.

Q Anything else?

A A man could be on a pay sheet and when he works on the road he looks to see if his name is perfectly clear. Now a neighbor of mine done some work and he looked at the pay sheet and saw his name and traced it perfectly clear, so many days and so many hours and he signs that and sends it in to the secretary and when his mother called for this money that was due him Mrs.Pidgeon said:"There won't be much."

Q MR. BRYNN: You don't know anything about this?

A Well I am putting this up. It is about a neighbor. There are various cases of this kind happen.

THE COMMISSIONER: Did it ever happen with you?

A It did but not in Mr.Pidgeon's time. I had forgotten something about Rod McLeod. Now Mr.Rod McLeod was an absolute stranger in the neighborhood. When he got some of this money he got a receipt for taxes on a quarter section he knew absolutely nothing about. That was the southeast quarter of 26,township 51, Range 3 west of 5th. He knew nothing about it. And he gets the receipt.

Q Can you give us the year?

A Yes, 1924 or 1925.

A Nothing I know of personally.

Q Your information is hearsay?

A It was alleged to had been

If we want my information

Q Yes.

Q Is he available?

A He is in the Army.

Q Frank Hasse?

A Yes.

Q Australian class?

A Man could be on [illegible]

he looks so man if [illegible]

Q Also done some work [illegible]

his name was [illegible] in [illegible]

many hours and he [illegible]

and when his work [illegible]

Mr. Lidgman would "[illegible]" on

Q MR. BROWN: You don't know [illegible]

A Well I am [illegible] [illegible] Is [illegible]

various causes of this kind [illegible].

THE COURT REPORTER: Did it over [illegible]

It did but not in [illegible] [illegible] A [illegible]

[illegible] had lodged. The [illegible] had [illegible]

When he [illegible] [illegible]

[illegible] on a [illegible] month [illegible]

[illegible] consequence [illegible] [illegible]

[illegible]

Q Who owned the land?

A One Richard Pearson. Mr. Clarke had the taxes to pay on it.th year.

Q Clarke was the foreman?

A Yes.

Q And he was liable for the taxes on that quarter section?

A Yes.

Q Did Rod McLeod work on the road?

A Yes but not to that amount.

MR. PARLEE: Your claim is you think Rod McLeod was put there and the money that was due to him was applied on Clarke's taxes. Is that the inference?

A Yes.

THE COMMISSIONER: It goes further than that. He says his name was on the payroll, he did a little work but he did not do enough to offset the taxes but the amount he was to receive was sufficient to pay the taxes which should have been paid by Mr. Clarke the foreman?

A Yes, Mr. Clarke was liable for the taxes and Mr. McLeod knew nothing about it. But what I want to get at is how they got McLeod's name mixed up in it who was a stranger in the neighborhood.

MR. PARLEE: Wouldn't your inference be that McLeod's name was added there - there would be a certain amount of money due to him which would be used on Clarke's taxes. Is not that the inference that would follow?

A That is what anyone would suggest, myself as well as the whole neighborhood - why Clarke's name should be applied on this particular quarter and him a stranger.

Q THE COMMISSIONER: Was there such a man as McLeod?

A Certainly.

Q -And where did he live?

A He moved up from the prairie a few years ago and at the present time he is in the coal mines.

Q And can you employ outsiders who have no taxes to pay on your road work?

A Yes.

Q And might he have been employed to do road work?

A He worked with Mr.Clarke.

Q And there would be nothing wrong with that?

A Oh no.

Q And if he did a full day's work he would be entitled to a full day's pay?

A Absolutely.

Q And might he allow that money by arrangement between himself and Clarke to be diverted from himself to Clarke to pay Clarke's taxes?

A Yes, but he did not know where the quarter was and where the tax receipt was. He was at sea to find why he should be placed on a quarter section he knew nothing about and himself a blank stranger.

Q MR.BARLEE: Had McLeod done the work?

A I do not know. He said he did not do the tax work. He said he did not; he did not know anything about it.

Q Now one time you occupied the proud position of pound keeper?

A I did.

Q You heard me asking Mr.Kreye yesterday about your rise and fall as pound keeper?

A Yes.

Q Will you give your version of it?

A Yes I will pleased to. I unfortunately was pound keeper some years ago. There was not a dollar in it for me or anyone else but I have saved many a dollar for people in the district. People would have grudges against each other and would come to me and were going to put their neighbor's cattle in pound and I would explain matters to them and see if we could cool them off a bit and see if they could not fix their own fence, and I said: "Nevertheless any of you fellows who want to pound cattle, that is what I am here for but I would like to give you some advice and there is none of us but what makes mistakes and that is no reason to place them in pound because you are down on a man." And I have turned many a man away like that and he was tickled to think I had talked to him in that manner. I never made a dollar out of the pound. I may say it was a detriment to me. I have had cattle in the pound and people were so hard up they could not pay their fees and I have given them a clean sheet, and lost my two or three days of feeding them. And last June there was no pound in division five, Mr. Howat's division, and I was the only one around and up in that neck of the woods they seemed to have a great deal of difficulty with one another and one man there took a bull to the pound and went to Mr. Howat and said there was no one nearer than big Dan and I had to take him in. I kept the animal there for eleven days. I could have kept him for fifteen if I had wanted these extra dollars. And I sold him just when the law says, not sooner than eleven days and not more than fifteen. A dollar a day for each bull or entire animal. I kept him there eleven days with the notices I put out, the legal notices to advertise the sale and communicate with the owner of the bull. At the end of the eleven days

A Yes I will planned to. I unfortunately was round keeper some years ago. There was not a dollar in it for me or anyone else but I have saved many a dollar for some in the district. People would have grudges against such what was would come to me and were going to put their neighbor's cattle in pound so I would explain matters to them and see if we could see them off a bit and see if they could not fix their own fence and said: "Nevertheless any of you fellows was not so young matter that is what I am here for but I would like to give you some advice and there is none of us but [illegible] is no reason to place them in pound because [illegible] man." And I have turned many a [illegible] away like thinking to think I had talked to him in [illegible] manner. - made a dollar out of the pound. I [illegible] was [illegible] to me. I have had cattle in the pound and people [illegible] up they could not pay their fees and I have [illegible] sheet, and last my two or three days of feeding them. Time there was no pound in division five, [illegible] and I was the only one around and up in [illegible] they seemed to have a great deal of difficulty with one another and one man there took a bull to the house and [illegible] and said there was no one nearer than his [illegible] and I had to take him in. I kept the animal there for eleven days. I could have kept him for fifteen if I had wanted those extra dollars. And I sold him just when the law says, not sooner than eleven days and not more than fifteen. A dollar a day for such bull or [illegible] I kept him there eleven days with the notices [illegible] legal notices to advertise the sale and commission [illegible] of the eleven days

there was $19.75 against the bull, $5 was for the man who captured him and the remainder was due me. When I sold the bull on the 11th of June I received $8 for it and I am not supposed to go out with a truck and get people to come in to the sale, and the highest bidder was taken and there was no reserves. The bull was sold for $8 and the Domestic Animal's Act states that the pound keeper shall keep his own fees out and if there is any more than the expenses to forward them to our secretary treasurer. And there was only $8 and not enough to pay me or the man that captured him. That night I made out a statement of what the bull sold for and the expenses and mailed it to Mr.Pidgeon and that was on the 13th of June and he received it on the morning of the 15th.

THE COMMISSIONER: What year was that?

A This year My Lord. And after receiving my letter Mr.Pidgeon answered my letter stating that my services were no longer requred as pound keeper in Division 2 and that I had sent him the wrong documents or statement, there was something else I should have signed. And if there was he had never furnished me with them and I would think a plain piece of paper is just as good to make a statement as any forms but I was not furnished with them as Mr.Pidgeon wrote me; and to return the pound books to him which I have not done till they settled with me $6.75 and I understand they refused to pay it at the last meeting and Mr. Kreye dismissed me and I understand it was solely because I took an active part in this investigation and I would like to know if I am legally discharged.

Q There is a Court in this Province which determines these questions I have nothing to do with personal and individual grievances.

A Yes, well that is neither here nor there.

Q. PARLEE: Was the animal redeemed?

A I sold it to one Mark Stevenson and the original owner purchased him from Stevenson right at my place ten minutes after.

Q The owner found it cheaper?

A He had not the money and I could not sell to him unless he had sufficient money to pay the whole bill and therefore I put him up to auction. He wanted me to trust him with it and I could not and I told him that if this man bought the bull he could do business with him and not with me.

Q How long after this sale did you get the notice dispensing with your services?

A Well a month ago or shortly after the last meeting of the Municipal Council in Stony Plain and this gentleman that owned the bull he had to pay him ten per cent of the purchase price which was eighty cents more than what the bull brought.

Q But so far as you were concerned the animal was not redeemed from you?

A Absolutely not.

Q Can you furnish the Commissioner with any inferences as to why you think your services were dispensed with?

A Nothing, only the active part I took in this investigation and I do not consider the pound worth as much as this is.

Q THE COMMISSIONER: When Mr. Pidgeon sent you notice did he disclose to you any reason why your services were being dispensed with?

A Nothing only "This is to notify you that your services are no longer required as pound keeper in Division 2."

Q Had he the bull still on his hands?

A He did not sell on me.

Q You know nothing about Karl Grosskop?

A Well just what I got from him.

Q That deals with Kreye and some lumber?

A Yes.

Q Have you any personal knowledge?

A Yes.

Q What personal knowledge have you got?

A Mr.Kreye who was councillor on our division purchased 2,000 feet of tamarac planks for culverts which Mr.George Clausen hauled and delivered on the road allowance along the west side of Mr. Kreye's place. I know that was done. Later Mr.Grosskop claimed to haul -

Q Well do you know what became of the lumber?

A No.

Q Was it used on the road?

A I do not know. Mr.Kreye says he did not know what happened to it.

Q How far west of Kreye's place was this?

A A quarter of a mile.

Q Am I correct in saying that you know this lumber was delivered on the roadway?

A Oh yes.

Q And outside of that what do you know?

A Nothing and I do not know what became of it.

THE COMMISSIONER: Are you familiar with that road?

A Oh yes.

Q Have you seen any culverts constructed with that timber?

A No,sir.

Q Are there any culverts near there?

A There is a small bridge on the creek and that is there this timb

was dumped.

Q At the small bridge?

A Yes, sir.

Q And what was the dimension of this timber?

A It was not less than two inches, sixteen feet long.

Q What is the width?

A Well various widths - 6, 8, 10, 12.

Q It was two inch sixteen foot plank.

A It might have been three.

Q It was the kind of material that could be used in the bridge for flooring?

A Yes, sir.

MR. PARLEE: I understand Mr. Kreye to say he used it for culverts. Did you hear him make that statement?

A No.

THE COMMISSIONER: That is what he gave us to understand. Were there 2000 feet used on the culverts?

A I do not know no more than the lumber was piled there. That is as far as I know and I have not been along that way.

Q Was it all deposited in one pile?

A No not all in one pile. There might have been two loads close together.

Q You know that Fred Williams worked on the road on behalf of Mrs. Almon?

A I presume so but I cannot say that of myself.

Q Who will be able to help us with that?

A Both of them.

Q Have you anything to say about Larmon?

A Nothing.

Q Would he be able to furnish us with information which would be interesting to this Commission?

A Well no more than his name -

Q MR. BRYAN: Just a minute.

MR. PARLEE: You do not know whether Mr.Barnes can furnish any information which would be of interest to this Commission?

A I presume he could.

Q Do you know anything about Mr.Kreye putting a road through his own property which would be of benefit to him?

A No I do not. I do not know whether he done it. There is a road on the west side.

Q Have you any further information?

A Nothing that I can remember just now.

Q MR. BRYAN: You are a ratepayer of this municipality?

A I was.

Q What do you mean by you were?

A I were, yes.

Q What do you mean by that?

A Just what I said, that I was a ratepayer but I am not at the present time.

Q You do not own any land?

A No.

Q It is in your wife's name?

A Yes.

Q You were talking about Mr.Kreye's division back in 1925. That would be prior to Mr.Kreye's election?

A Yes.

Q At that first election you supported Mr.Kreye?

A I think that is a private question. Or is it public?

Q THE COMMISSIONER: Well the ballot is supposed to be secret. But you tell us what you did outside. He asked if you went around canvassing for Mr.Kreye?

A No.

Q MR. BRYAN: But you were very much opposed to Mr.Shaw?

A I was.

Q And you circulated a petition to get Mr.Shaw out?

A Absolutely.

Q And you have caused trouble for pretty nearly every one who has been in there?

A No I have not.

Q Well for Mr.Kreye and Mr.Shaw anyway?

A No I have not,not to any great extent, Mr.Shaw in particular.

Q Now in regard to this pound business. You told us a minute ago that you mailed a notice to Mr.Pidgeon on the 13th day of June of this year?

A Yes. I did not say I mailed it. I caused it to be mailed. It was mailed in Edmonton. I did it on the 12th.

Q You made it out on the 10th?

A No I passed it to a party going to town on Sunday the 12th.

Q When did you make it out?

A I think the night of the sale, the 11th of June.

Q That form was made out advising the municipality of the sale?

A Yes.

Q You have given a lot of information about things that have happened years ago?

A Yes,sir.

Q And you have told us to a day exactly [illegible] on the road

A No I don't know as I have.

Q Yes, I think you did. You told us something about a man working on Mrs. Fryer's place?

A Well that is something I could know.

Q And you remember it to a day?

A Yes.

THE COMMISSIONER It is fair to point out that was the subject matter of a previous investigation where the dates were established?

A Yes.

MR. BRYAN: But the fact remains that the sale did not take place on the 11th of June?

A I am sure it was. Well I think it was the 6th. I made a mistake.

Q THE COMMISSIONER: Well if you have the documents there let him see them.

MR. BRYAN: It was on the 6th of June it took place?

A Well I had eleven in my mind as the being the days I had to keep him.

Q THE COMMISSIONER: You made that out on the night of the day in which the sale took place?

A Yes.

Q MR. BRYAN: Now you have been telling us how you have been advising these people and keeping them out of difficulties?

A Yes.

Q And being a public counsellor down in that corner?

A Yes.

Q And you had a knowledge of the Found Act?

A I had.

Q And you were advising people in regard to little difficulties

A. No I don't know - I have.

Q. Yes. I think you did. You told in ... on Mrs. Bryan's pie

A. Well that is something I forgot

Q. And you remember it

Yes.

THE COMMISSION: It is ... matter of a previous law established?

A. Yes.

MR. BRYAN: But the on the 11th of June

A. I am sure it was. Q.

Q. THE COMMISSION: Well, see them.

MR. BRYAN: It was on

A. Well I had eleven in ... it him.

Q. TH. COMMISSION: You made the which the sale took place?

A. Yes.

Q. BRYAN: Now you have been telling ... the these people and heard - then out a ...

Yes.

And being a public commission down in that county

... of the round ...

they had?

A I would hand them the Ordinance and they could read it themselves, if they did not take what I gave them.

Q And you advised them yourself?

A Sometimes I did.

Q And this bull was sold to one Mark Stevenson and in your presence? The owner Mr.Pasenko purchased it?

A Yes.

Q I am reading Section 50 of the Act (Reading). You knew it was re-sold in your presence and it was a contravention of the Act?

A MR.PARLEE: Where is it a contravention?

THE COMMISSIONER: I might point out that while this is perhaps interesting - I cannot waste any time with it.

MR. BRYAN: Did they write you afterwards asking for a report of the re-sale?

A No they did not. And I have not communicated with him since because I did not think it was necessary until I had seen him.

MR. PARLEE: Where do you say Mr.McDonald did anything wrong?

MR. BRYAN: It was done in his presence.

A No it was done on my place but not in my presence.

Q THE COMMISSIONER: He says he knew the owner re-purchased the bull from the man who purchased it at the pound sale.

MR. BRYAN: You mentioned you knew that the municipality had purchased certain lumber from Mr.George Clausen?

A Yes.

Q Do you know if the municipality purchased the lumber?

A They were supposed to have purchased it. It was purchased to build culverts and bridges with and I met Mr.Clausen on the road and he told me there he was going to dump it.

Q In this last election in 1930 you as a matter of fact were anxious to have Mr.Kreye run?

A Some[illegible]?

Q And you went canvassing with him?

A No I did not.

Q Never go anywhere with him?

A No,sir.

Q Now be careful. Did you ask any people if they could vote for Mr.Kreye?

A I did but I did not run around canvassing.

Q And did you ask Mrs.Fryer to vote for Mr.Krye?

A No.

Q Where is she at the present time?

A She is sick at my place, staying there this week.

Q You mentioned also a case with regard to this receipt given to one McLeod?

A Yes.

Q You say he did some road work?

A Yes.

Q And do you know whether he got a cheque for that?

A Yes.

Q And he got a receipt besides?

A Yes, receipt for taxes on Dick Pearson's place.

Q I thought you said Clarke's place.

THE COMMISSIONER: No, taxes for which Clarke was liable on Pearson's place.

MR. BRYAN: Now with regard to the tractor deal you have been mentioning so much about. Did you ever mention to anybody you had looked into that and it was all right?

A No,sir, I did not.

Q. In this last closet

anxious to move ?. Do

A Somewhere by

A And you week's delay

A No I did not.

Q. Never go anywhere

A No,sir.

Q. Now be careful. Mr. Ve

Mr.Kroyer:

A I did but I did not

Q And did you see Mrs.

A No.

Q Where is she at in

A She is sick at my room

Q You mentioned a

one Moloody

A Yes.

You say he did come

A Yes.

Q And do you know whether ?

A Yes.

Q And he got a toothpick business

A Yes, people for taxes on Mr. Peterson

Q I think you said Ol Mexico ?

No, taxes for Wilson Hinkle has it has not

Q Is you ever noticed to anybody who has

Q Tuesday last you have been anything

Q You never mentioned that to anybody at all?

A Well in an offhand way we might have talked about Fred Kreye putting his tractor on.

Q Did you say that as far as you knew it was all right. Did you say that to anybody?

A No. If I said anything I would say it was not all right.

Q Isn't it a fact that you have had considerable difficulty with Mr. Clarke?

A No.

Q Is Mr. Clarke a good road boss?

A No.

Q He is not?

A No, I will tell you that very quick.

Q Did you work under him?

A Once.

Q Have you been called out since?

A Yes, I have.

Q And did you go?

A No.

Q And you have not gone out when you were called to work on the road?

A No.

Q And have there been many others who did not go?

A There is a number.

Q And I presume there are people who have worked under Mr. Clarke?

A Yes.

Q And what did you do with your taxes? You have paid them in cash I presume?

A No not yet, I have no taxes to pay.

Well I mean your wife's?

THE COMMISSIONER: When you are called out to do road work you do not have to go unless you want to?

A No. If we have lots to do at home it never pays us to go on the road.

MR. BRYAN: You have done considerable going around in order to get information for this investigation?

A No not very much - some.

Q You have been in town a number of times.

A Yes twice I believe.

Q And have you been around to see a number of people?

A No I can't say that I have, not very many.

Q Did you ever go out to see a man by the name of Eugene Fawcett?

A No I did not.

Q You are under oath?

A Yes, and I know it.

THE COMMISSIONER: Where and when?

MR. BRYAN: Within the last month?

A I have not seen him until yesterday since this inquiry started, not to my knowledge.

THE COMMISSIONER: Where does he live?

A About two miles north of me. I have not laid eyes on the man since last Fall to my knowledge till yesterday. I met him right here in Stony.

Q And did you have any conversation with him?

A None whatever, just "How do you do" and the time of day and that is all.

Q And did you discuss the subject matter of this inquiry with him?

A No.

MR.BRYAN: When you met him before did you ever discuss with him

about getting one Mitchell to come as a witness?

A No I did not.

Q You never mentioned it?

A No because I have not seen John Fawcett till yesterday since this inquiry has been in order.

KARL GROSSKOP called and sworn testified as follows, examined by Mr.Parlee:

Q Where do you reside?

A Bright Bank.

Q How long have you been there?

A For over four years.

Q And that is Mr.Kreye's division?

A Yes.

Q I have never seen you before have I?

A No.

Q That is division number 2, Mr.Kreye's?

A Yes.

Q You know of this inquiry?

A Yes.

Q Have you anything to say to his Lordship about the subject matter of this inquiry which relates to the transaction of affairs of this district?

A Yes only what I heard about that lumber.

Q That is the lumber in Mr. Kreye's division?

A Yes.

Q. Your honor may please the

A. No because I have not seen Tom

inquiry has been in order.

Q Was it hauled on the road?

A Yes.

Q Who hauled it on the road?

A As much as I understood yesterday, Mr.Kreye.

MR. BRYAN; Oh no.

A Not me.

Q THE COMMISSIONER: Did you see anybody haul it there?

A No but I know George Clausen took that lumber.

Q MR. PARLEE: Did you see it there?

A Yes.

Q What became of it?

THE COMMISSIONER: Where did you see it?

A At Mr.Kreye's west fence.

Q How far from his place?

A A few yards away on the road allowance.

Q And when did you see it there?

A 1928 in the Fall.

Q And what became of it. You saw it on the road allowance?

A Yes.

Q What kind of timber was it?

A It was two and three inch tamarac.

Q The length was?what?

A I do not know, but different lengths.

Q About how much across the creek?

A Might be about around between 1500 and 1600 feet.

Q And two and three inch tamarac plank?

A Yes.

Q What became of it?

A I guess it is used up for the bridges.

Q Did you do anything with it? [illegible] n remember it was

A Yes I did.

Q What did you do? [illegible] came

A In 1928 I was a member of Mr.Kreye's crew and he wanted to move from his place to his neighbor's place - Mr.Becker's - and he had to go across the creek on his place and I think Mr.Kreye was not sure that his bridge or culvert would be strong enough for the tractor and heavy separator. So he told me to go and get some of that lumber and put it on over the old planks. So I did. After two or three days when we had done threshing on Mr.Becker's place we moved back to Mr.Kreye's place and Mr.Kreye wanted to thresh his back setting on the other side from the lake. So Mr. Kreye had to go with his outfit across that same creek at a different place on the road allowance. At that time the road was not built there and the bridge was not built, only that lumber was dumped off there. So Mr.Kreye told Bert Bauer or another hired man, and I know Bert Bauer was helping and he went for that lumber.

Q Where did Bauer get the lumber?

A From the first place where I brought the lumber - the creek on Mr.Kreye's place. And how much he brought back and how much I hauled I don't know anything about that.

THE COMMISSIONER: Do I understand you went the first time to build a bridge across the creek?

A Yes.

Q How much did you use then? [illegible] road?

A Might have been around fifteen planks. [illegible]

Q That would be about 100 feet? [illegible] ly came [illegible] as the [illegible] [illegible] the other [illegible] my [illegible] working on the road.

A Well they are different sizes. As much as I can remember it was about fifteen pieces.

Q And then you went over and threshed Becker's and then you came came over that same bridge?

A Yes.

Q And you had to cross the creek at another place?

A Yes to get to Mr.Kreye's field.

Q And did Bauer take the planks you had put down in the first place or did he go out to the road allowance and get some more planks?

A Well as much as I know he went and got the lumber from the place where I took it in the first place. And we had to build over that creek some kind of a bridge to get over. That was on the road allowance.

Q And did you use any more planks than that?

A Not that I know of.

Q You took fifteen pieces in the first place?

A Approximately.

Q And used them in one place and then took them to another, the same fifteen pieces?

A Yes and then took them back to the road allowance.

Q That is to where you first got them?

A Yes.

Q Was that where the 2000 or 1500 feet were originally dumped by Clausen?

A Yes.

Q Was that a generally traveled road?

A In those days there was no road at all. The road was started in 1910 in the summer time but only came as far as the creek and when harvest time came they quit working on the road.

Q And I understand he did build a bridge there in any event?

A Yes.

Q When he completed the road?

A Yes, the bridge is built there.

Q But he just used that tamarac for his own convenience so he could get his threshing outfit to his other farm?

A Yes.

Q And was that bridge completed afterwards?

A Yes.

Q And was that lumber used in that bridge?

A Yes but I don't know how many feet. I know that lumber was bought from George Clausen for the purposes of building a bridge on the road allowance.

MR. PARLEE: Where you took it first was on the cree on Mr.Kreye's own land?

A On the road allowance.

Q And you got it to cross a creek on Mr.Kreye's property?

A Yes.

Q And it was taken again to where he had his back setting?

A Yes.

Q And then it was taken to the road allowance again?

A Well we left it there because Bert Brought it back to the road allowance.

THE COMMISSIONER: I understand that Kreye was building a new road through there, that they came to a little creek where they would have to build a bridge and he got 1500 or 2000 feet of this tamarac plank to use for the top of the bridge. Harvest came along and they stopped work on the road and Kreye wanted to cross this creek and he told this man to go out there and get

planks, and he went out and got fifteen planks and made a tamarac bridge and after they threshed they came back and Bauer put these fifteen planks back on the road allowance where they originally came from. Is that correct?

A Yes.

MR. PARLEE: Do you mean to say the planks were brought back to the road allowance after you used them the first time to enable Mr.Kreye to get to his back setting?

A Yes,sir.

Q And Kreye was the man who told you to go and get the planks

A Yes.

Q Kreye did not tell us anything about that yesterday?

A No.

Q When was the bridge built?

A I can't say for sure whether it was in the fall of 1928 or the spring of 1929. I know who built it - Paul Klausen.

Q Have you any other evidence to give pertaining to this inquiry. Have you any criticism or complaints to make in regard to the transaction of business affairs in this district?

A There would be only one thing. That is the roads in the southern part of the division are neglected.

Q You think you do not get the roads you ought to have?

A We think we should have better roads. Sometimes there are places we have no roads at all.

THE COMMISSIONER: Well I suppose they are building roads all the time are they?

A Yes.

Q And I suppose everybody who has got a road think they ought to have one and those who have them think they ought to be better.

MR. BRYAN: When Mr.Kreye started the first time he was going over to Mr.Becker's place?

A Yes to do the threshing there.

Q And he could not get along on the road allowance because there was no bridge there?

A Yes and it was closer to go across.

Q And he took fifteen planks and put them on that bridge and when he came back they were put into the main bridge again?

A Yes that is as much as I know.

Q You have had a lot of trouble with Mr.Kreye?

A Yes.

Q He has sued you a number of times with regard to sawing lumber?

A Yes.

Q How have you found him to deal with. I am asking you that,even though you have been sued by him? Have you found him honest in business?

A Well I guess that is a question that has nothing to do -

MR. PARLEE: Well that is a man's opinion. I think it is a very wise and proper answer to have made.

MR. DRURY: Then Mr. Rogers stepped

over to Mr. Bookout's house

You to go into the house

And he could not get in

was no bridge there

A Yes and it was closed

Q And he took Fifteen Plenty

he came back they go

A Yes that is as much

Q You have had a lot from

A Yes.

Q He has used you a lot.

A Yes.

Q How have you found him

though you have been

in business.

A Well I guess that is

MR. PRIAN: Well in

what and proper manner to

OSBORNE C. ERICKSON called and sworn testified as follows:

Examined by Mr.Parlee:

Q I am informed that you have information which would be of interest to this Commission pertaining to the subject matter of this inquiry. Have you such information?

A Yes,sir.

Q Where do you live?

A With my father on the southwest quarter of 22 in Fred Kreye's division.

Q And your father is -

A / Mr.Gust Erickson.

Q What information have you got pertaining to this inquiry?

A In the year 1928 I worked on the road under George Clausen as foreman. When we were through with the work he did not have the pay sheets ready and we did not sign them at the present time but a few days later Mr.Kreye come through and went down to George Clausen's. On the way back he brought the pay sheets along with him and we signed them. Now I am positive that there was nothing on this pay sheet saying that my road money was to be paid on taxes on the northwest of 15. I am absolutely positive there was no such thing on the pay sheet. A short while after that I went to the prairies to work in the harvest. On returning my mother had gone to the council or to the secretary of the council to receive the cheque and receipt for my dad's pay and being there she asked for my cheque also. Mrs.Pidgeon said that -

Q MR. RYAN: Cannot we call the mother? This is purely hearsay.

CONTINUED D. TREE

Examined by Mr.Whelan:

Q I am informed that
interest to this [illegible] ion
this inquiry. Have you [illegible] ness
Yes,sir.

Q Where do you live?

A With my father on
division.

Q And your father is -

A Mr.Guest Erickson.

Q What information are
in the year 1929 - [illegible]
foreman. When we was
pay assets ready and [illegible]
but a few days later
George Hanson's, in the
with him and we signed them. [illegible]
nothing of this pay sheet [illegible]
paid on taxes on the northeast 1/2 [illegible]
there was no such thing as this pay sheet.
that [illegible] the privilege to work in the [illegible]
[illegible] to [illegible] Journal or to the secretary of the
[illegible] for my father's pay [illegible]
[illegible] for my father also. Mrs. [illegible]
[illegible] to optical [illegible]

A I would rather not give my mother called.

Q MR. PARLEE: If may be that your Worship would give weight to it.

I do not know what this young man is saying.

THE COMMISSIONER: Well go ahead and tell us.

A Mrs.Pidgeon told my mother there was only a very few cents coming to me after the taxes were paid on the northwest quarter of 15.

Q Did you yourself ever see either Mr.or Mrs.Pidgeon in regard to your cheque?

A No I did not. It was my mother.

Q Did they ever mail you a cheque?

A No not that special time. They did later on.

Q Did you ever write them for a cheque

A No,sir.

Q Well then you can ask them for the cheque right now. I will give you fifteen minutes to ask them for the cheque.

A I received the full cheque later on.

Q Who did you receive it from?

A My mother got it after some time.

Q Why didn't you get it before?

A I suppose it was not passed through the council Board before that time.

Q Who owned the northwest of 15?

A George Clausen. It may be it was in Julius Clausen's name ~~but~~ but George Clausen was to have the quarter.

Q MR. PARLEE: Did I understand you to say that your complaint is that it would appear that what was due you, and attempt was being made to apply it on to Clausen's property?

A Yes that is as far as I can understand it.

Q How long after you earned the money before you got it?

A I would not be definite when my mother received the cheque be-

A I would believe you [illegible] nothing matters.

MR. PRINCE: [illegible] be too [illegible]

[illegible] do not know what this

THE COURT [illegible]: All

A Mrs. Pidgeon told me

to be sure the [illegible] me

Q Did you yourself [illegible]

your dispute?

A No I did not. It was a

Q Did they ever call you

A No not that special.

Q Did you ever write

A No, sir.

Q Tell them you [illegible] sir

give you [illegible] answer

A I received the [illegible]

Q Who did you receive it [illegible]

A My mother [illegible] it [illegible]

Q Why didn't you get it [illegible]

A I suppose it was not proper

that time.

Q Who owned his [illegible] of [illegible]

A George [illegible] I may be it was [illegible] [illegible]

but George [illegible] was [illegible] [illegible]

Q [illegible] I understand you [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] it.

[illegible] [illegible] [illegible] [illegible] [illegible]

cause I was on the prairies but it would be around a month and a half afterwards.

Q But you eventually got your money?

A Yes I did. And when Mrs.Pidgeon told my mother I had taxes to pay my mother said I owned no land and my mother went out and got hold of George and George admitted he had made a mistake.

THE COMMISSIONER: He admitted he had made a mistake?

A Yes he must have made a mistake.

Q You did not blame Pidgeon and his wife for that did you?

A No.

Q What was the property to which the taxes were going to be applied?

A Section 15.

Q Any more matters?

A Last Fall there was some trouble over a road down in the southwest of the division. Dugald McDonald wanted a road out and my brother and I have land down at the same corner of the township and we have to pass through his quarter to get to ours at the present time. Last summer Dugald McDonald closed this road and we wished to have a road into our place to get there, so we seen the council Board about it and I was also in to the Department of Municipal Affairs about it. So Fred Kreye put a trail across a quarter section north of Dugald McDonald's and then come down and entered in on our land. So I went down and I closed the gate in on our land because I did not want any weeds to be dragged in there by trespassers. Just a few days later Fred Kreye gets a surveyor out and has a road surveyed through our land where it was absolutely unnecessary, the road allowance was absolutely fit for a road only it would take a few dollars to fix it and this was late in the Fall. So he put a survey across our place which

would cost him more than if he had come to us and arranged with us to go through and paid us so much for the use of it so we could have had something for the work we would have to do in killing weeds on that road.

Q Your complaint is that one man shut you out and you went to Kreye to get a road and he gave you a road?

A Yes.

Q And you don't like the place he put it. Have you any charge of bad faith against Kreye for that?

A Well the only thing I have doubtful in my mind is that Fred Kreye had lumber at the mill which is south of our place that he wanted to get out and to get through he had to have a road naturally.

Q Have you anything else outside of that?

A No,sir.

GUST ERICKSON called and sworn testified as follows:

Examined by Mr.Parlee:

Q You reside in whose division?

A Fred Kreye's.

Q How long have you lived there?

A I have been there since 1922 except from the beginning of 1924 to the Fall of 1927.

Q You were away from 1927 to when?

A To the beginning of 1927.

Q And have you any complaints or information you want to bring

before His Lordship in connection with this inquiry?

A Yes,sir. I have a complaint against the council for turning down the Dominion relief money this last year.

Q MR. COMMISSIONER: I am not investigating that. Any other complain

A I have complaints against the secretary for not attending to business.

Q Let us have your particulars of that.now.

A Just about a year ago, just before harvest I had some money coming from the municipal district for road work and knowing that a pay sheet was passed through the council - I knew that for a fact, and I wanted to go in to Edmonton on a certain day and in the morning I phoned Pidgeon's office up and asked if my cheque was ready. Mrs.Pidgeon answered the phone and said "Yes it is ready and will be put in the mail today."

MR. [illegible] Did you ask her not to mail it?

A Yes I asked her Would you kindly keep my cheque in your office till this afternoon as I will be coming through going in to Edmonton and need the money there" and she said yes she would. Coming in in the afternoon I went to the office. Mrs.Pidgeon was in the office as usual and asking for my cheque she told me I had only seventeen cents coming after the taxes was paid on the half quarter. I said: "It is more than that." Then it came to with [illegible] MRS. [illegible] said: There is the pay sheets and it is for [illegible]." I said: "There is two pay sheets" and she said "There was one was" I said "There was two and I know that both was passed through the council. [illegible] said "It is not [illegible] this to the pay sheet." I said [illegible] file of pay sheets" and I pointed to another file on the desk. [illegible] said "It belongs to [illegible]." Finally I got her to begin [illegible]

and sheet in the other pile. Finally she started to make out a cheque and she told me Mr.Pidgeon had to sign it.

Q How much was coming to you then?

A I can't remember for sure but I think it was something around between $30 and $40. I can't remember for sure. Anyhow she told me that Mr.Pidgeon had to sign the cheque. And I said: "Isn't he around town?" And she said:"Yes he is around town some place." And I said I had better get busy and get him. This was around half past three and I had to be in Edmonton to the wholesale house before closing, and walking to the door she said:"Wait a minute I may get him over the phone" and she rang one number and she told me that she was sure that he was in the beer room. She told him,as I heard, to come immediately as I was there to get my cheque and was very much in a hurry to go in order to be in to do business before closing time. I waited I believe for around ten minutes and no Pidgeon to be seen. So I said:"I am going to get him myself." I went down to the beer parlor and he was still sitting there drinking beer and listening to other fellows' stories and I could not get him out and if a witness is asked on this I can call our own councillor Fred Kreye.

Q Did you speak to Mr.Pidgeon?

A Yes I spoke to him and asked him if he would come and sign my cheque. "Yes,yes, just a moment" and he kept on listening to a story that the next man was telling. And I can name the man's name too.

Q Who was it?

A He was listening to a story told by Karl Grosskopp. Further in I saw some neighbors and they waved a hand for me to go up and

I went in and they wanted me to have a glass of beer with them which I refused and I stepped back to Pidgeon and he was still sitting there listening and I asked him: "Are you going to come or not?" And then he got up and went out with me. I think that is enough to make a complaint about. That is one thing, and there are many many of them.

Q. THE COMMISSIONER: How long did it take you to get him to sign that cheque?

A. Oh it took very close to an hour.

Q. And you had telephoned in in the morning about it?

A. Yes. And then after Pidgeon had signed the cheque I had to go out to Mr.Goerz the Reeve to get him to sign it too but I was fortunate to have a friend in town here, a storekeeper, where I went and asked him: "Would you lend me the amount of money I need?" And he said yes and he let me have it. Coming back from Edmonton I had to drive to Stony Plain, take the cheque here and drive out to Mr.Goerz' place and come back in again to Stony Plain and pay the money and come back home.

Q. And your suggestion is that if the records had been properly handled in the first instance that that cheque would have been already for you when you came in or it would have been mailed out to you that day?

A. Yes.

MR. [illegible]: Have you any criticism further to make of the secretary?

A. There are lots of things I think.

Q. THE COMMISSIONER: Well let us have a few of them.

A. Well I cannot think of them right now in my mind.

Q. MR. [illegible]: Have you any further information to furnish to the

Commissioner in relation to this inquiry?

A I would like to mention - would it be right to take up the grading business?

Q I want you to produce anything you have and his Lordship will decide whether it is proper.

A Well a neighbor gave me a point last winter about something irregular being going on east of my place on the road work?

Q Who was that?

A Mr. Graden the road foreman?

Q MR. BRYAN: Who gave you the information?

A Well I think his name is Sitz.

Q THE COMMISSION R: Well they ought to be here.

MR. BAILEY: They will be here.

A Well unfair distribution of road work in 1931 and previous years.

THE COMMISSIONER: That is a question of policy determined by the council and the councillors for the different divisions. Next.

A Last winter -

Q You said unfair division of road work. Do you mean expenditure of the money?

A I mean distribution of road work. I mean giving the chance to the ratepayers.

Q That is the apportionment of the money to ratepayers?

A Yes.

Q Well tell us about that.

A Well this summer, well I may go back to last summer, that is 1930. In 1930 there was work on the market road. The Government grant was spent there and of course some municipal money. There

A was men during the time working who made several hundred dollars. Some worked from the beginning of the work to the end of the work and later on worked on a road a mile east till they were through there, with eight horses - two teams.

Q What are their names?

A Connell Nichols worked with eight horses and two men.

Q On the market road?

A Yes and on the road west.

Q How much did he earn?

A The pay sheet will show that. I could not say for sure but he earned several hundred dollars. It would appear to me not less than $600 I would think. I could not tell exactly but the pay sheet will show that.

Q What is your objection to that?

A The men who worked for him may have signed the pay sheet and that will be Pete Matheson.

Q And who was the other man?

A Connell Nichols himself.

Q What is your objection to it?

A My objection is that with many who wanted to get on the road to work at least part of their taxes they never had a chance.

Q Do you know of any who were refused an opportunity like that?

A Yes.

Q Give us their names?

A I cannot think of them just now. There was one but I have forgotten his name.

Q Can you think of anybody else?

A I know of one but he will be up here.

Q What is his name?

A Jan Vrabeck.

Q MR. BRYAN: Where does he live?

A He is living on the southeast quarter of 20-51-2 West 5th.

Q There are more men who made a pile of money that summer.

Q Give us the names of any more who could not get any work to apply on their taxes?

A I think there are many but I cannot remember just at present.

Q Give us the names of any more men besides Nichols who earned several hundred dollars?

A Jan Kyle worked with four horses and three men.

Q What are the names of their men?

A His two sons Willie and Jan, and Mr.Schultz.

Q How much did Kyle earn?

A I can't tell for sure but the pay sheets will show that. He earned quite a bit.

Q Were the two sons sliving at home with him?

A Yes.

Q Did they have any separate property of their own?

A No.

Q And who is the next?

A Mr.Schultz. His sons Herman Schultz and his son-in-law, I think his name is Schultz too. They are all living on the same place, on the same quarter.

Q What outfit had he?

A He had eight horses and three men.

Q Can you say what they earned?

A No I could not. It was a good pile of money though. And others had no horses at all.

Q Was (It 1930?

A Yes.

Q Did you ever apply for work and were you ever refused?

A No I have no kick for work myself at all.

Q They used you well?

A Yes. But I said it was not fair as I knew there had been men trying to get on every day and I seen them turned down.

Q Did you work out more than your taxes?

A Yes I did.

Q How much more than your taxes?

A The amount my cheque come to was somewhere between $30 and $40.

Q And did you know the regulation or the understanding that last year the taxpayers would work out forty per cent or was it sixty per cent?

A Well forty per cent.

Q And you worked out your taxes and you got some money besides?

A Yes.

Q You did not object to that at the time?

A No, but at the same time I like to see every man have a chance.

Q Did you get to the point where you got so much that you thought it would be unfair to take any more?

A Yes I did.

MR. BRYAN: Who were you working under?

A Mr. Clarke. This was in another part of the division. Ratepayers have been allowed to work off 100 per cent of their taxes while in the south part we are allowed only forty per cent.

Q You say in the same division that is number 2, that the councillors applying to different scales, those who reside in the north half of the division, he allows them to work out 100 per cent?

A Yes.

Q Yes.

Q Did you ever apply for work [illegible] over

A No I have no kind [illegible] work [illegible] I [illegible]

Q They used you [illegible]?

A Yes. But I said I [illegible]

trying to get on over [illegible] and I

Q Did you work out more than [illegible]

A Yes I did.

Q How much more than you [illegible]

A The amount by choice [illegible]

and did you know [illegible]

your the temperature [illegible]

per cent?

A Well forty per cent.

Q And you worked out your [illegible]

A Yes.

Q You did not object to [illegible]

No, but at the [illegible]

Q Did you get to the point where

it would be unfair to take [illegible]

A Yes I did.

MR. BRYAN: The [illegible] you [illegible]

A Mr. Larke, [illegible] an member part of the [illegible]

Q [illegible] allowed to work off 100 per cent or [illegible]

A [illegible] part to [illegible] allowed only forty per cent.

Q In the [illegible] [illegible] that is [illegible] the [illegible]

Q In [illegible] [illegible] which the [illegible] in the [illegible]

A [illegible] to work out 100 per cent?

Q And those who reside in the south half he allows them to work out how much?

A Forty per cent.

Q With the result that the other sixty per cent must be paid for in cash?

A Yes.

Q Whilst those in the north half do not have to pay any cash?

A No.

Q Do you know of any reason for that distinction?

A Yes.

Q What is it?

A I was in Edmonton a week or so ago and I was trying to get information about a grant to our division. I was told previous to that that it would be a relief grant - relief money. And I tried to get information about this in the Department in Edmonton. I spent about five hours there on Thursday or Friday a week ago. Finally Mr. English promised me to get information on this subject and write and let me know. I just received his letter last night. We do not get the mail very often out our way. And when I received the letter I did not have any information at all about what I wanted. But he told me that he had written to the secretary of the Municipal District and he sent him a reply and his reply is this (Reading). Now it will be proved before this inquiry is over that it is more than 100 per cent been worked out. Taxes in arrears have been worked off also. And one place four miles from where the work was to be done. I think there are several ratepayers here today, that is within four miles, have not been called out and others have worked out 100 per cent. And I enquired this Member when I was out during

Q Are those who reside in the country

out how much?

Forty per cent.

Q With the result that

in case?

A Yes.

Q Which shows in the room

A No.

Do you know of

A Yes.

What is it?

A I was in Edmonton

information about

to what the I.W. would

tried to get

Edmonton. I mean

a week ago. Finally he

on this subject and said

Letter last night.

way. And when I received the letter

at all about what I wanted. Let me

he

unfortunately for the Pub

and his reply is this (Reading). Now

that matter is over that it is

[illegible]

[illegible] miles [illegible] two week and to be

[illegible]

[illegible]

my forty per cent; and it was very hard to say it but in the third division some ratepayers could not get in and when there was half an hour to spare of my time I was told to quit, because my forty per cent was worked off.

Q Well who are you blaming for this?

A Well I blame the road foreman and the councillor.

Q Well is it the road foreman or the councillor?

A Yes, I enquired from Mr. Clarke the road foreman if he had orders about who to call out on the different places or who not to call out and he said he had orders and he showed me the orders.

Q From whom?

A From the councillor, from Fred Kreye.

Q And he showed you written instructions?

A Yes.

Q Did that specify who was to be called out?

A Yes.

Q And were you in that list?

A Yes I was.

Q So it was all right as far as you were concerned?

A Yes to work the forty per cent.

Q Those who lived within four miles of where the Government grant was spent, they were fortunate I suppose?

A Yes, and there was men who should have been called on and were not called upon. I have not had much time to think about it only since I got this letter today. I know there are more but I have not had time to be sure of it.

Q Do you know of any taxpayer who has gone to a foreman or to a councillor and said:"I want to work out forty per cent of my taxes" and was refused an opportunity of working?

A I don't know.

Q But as far as you know everybody who applied for work got it?

A Yes. I know many who have been called out to work.

MR. BRYAN: You have made a number of complaints with regard to council, haven't you, from time to time within the last year?

A I have made certain complaints probably at annual meetings.

Q And you have gone into the Department a number of times?

A I have in order to get this investigation started.

Q Have you ever gone in to the Department about matters which you did not bring to the attention of the council?

A Not what I can think of.

Q You cannot recollect any case?

A (No answer).

Letter written to J.Erickson by Mr.English dated August 6,1931, filed as Exhibit 27.

Q Do you remember of any cases where you went to the Department before laying your complaint first to the council?

A I do not remember any at all.

Q You were one that was largely instrumental in getting Mr.Kreye to run in 1930?

A No.

Q Did you ever go to his place and ask him if he would run?

A The last time before the election I was at his place, yes.

Q I know when I was there, it was in the threshing time of 1929.

Q And you asked him then if he would not run. In fact you stayed a long time trying to persuade him to stand?

A No.

MR. FIELDS: Have you any further evidence that you think would

Q But you do know everybody who wrote
A Yes. I know many who have been killed out
MR. WEAVER: You have made a number of
comment, haven't you, from 12?
A I have made certain observations
and you have done like the rest
A I have in order to get the
Have you ever done it
did not bring to the
A Not what I can think of.
You cannot recollect any
A (No answer).

Testes: Arthur
Dated June 6, 19

Q Do you remember of my issues
before laying your complaint
A I do not remember any of it.
You were one that was largely instrumental in
to run in issue
A No.
Q Did you ever go to his place and
A The last before the election I was
when I was there, it was in
then claim that he would not run. In fact you

be of any assistance to the Commission or have you any further complaints to make that you think ought to be brought before the Commission?

A No.

Inquiry adjourns till Thursday August 13,1931.

Thursday August 13,1931,Inquiry resumes
at 10:00 a.m.

THE COMMISSIONER: Before we start this morning I might just state that if any person has any complaints to make or any evidence to give that I hope they will confine themselves strictly to the facts and get through as speedily as possible. We are getting near to the harvest time now and you gentlemen must be busy and we do not want to waste any time. So turn your evidence over in your minds and be able to present it as concisely as possible so we can get through with the least possible delay.

DATE DUE

261-2500

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